



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan

4-03003

<u>Application</u>	<u>General Data</u>
Project Name: WALLS PROPERTY Location: Northeast side of Brandywine Road at its intersection with Don Lee Drive. Applicant/Address: Timberlake Homes, Inc. 95 Kettering Drive Upper Marlboro, MD 20772	Date Accepted: 01/24/03
	Planning Board Action Limit: 06/12/03
	Plan Acreage: 244.96
	Zone: R-80 & R-R
	Lots: 289
	Parcels: 7
	Planning Area: 81A
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 214SE06

<u>Purpose of Application</u>	<u>Notice Dates</u>
RESIDENTIAL SUBDIVISION	Adjoining Property Owners: (CB-15-1998) N/A
	Previous Parties of Record: (CB-13-1997) N/A
	Sign(s) Posted on Site: 04/25/03
	Variance(s): Adjoining Property Owners: N/A

<u>Staff Recommendation</u>		<u>Staff Reviewer: Whitney Chellis</u>	
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 4-03003
The Walls Property, Lots 1–35, Block A; Lots 1-54, Block B; Lots 1-41, Block C; Lots 1-16, Block D; Lots 1-95, Block E; Lots 1-48, Block F; Parcels A-G

OVERVIEW

The subject property is located on Tax Map 125 and 136 in Grids D-3 and 4 and D-1 and 2 and is known as Lot 2, recorded in land records in VJ 189 @ 83, and Parcels 97, 98, 99, 102 and 130. The property is approximately 244.96 acres and is zoned R-R and R-80. The applicant is proposing to subdivide the property into 289 lots and 7 parcels utilizing the optional design approach of cluster development for single-family dwellings, as discussed further in Finding 2 of this report.

Parcel 130 is the only portion of this property zoned R-80. Parcel 130 is approximately 11.27 acres. The remainder of the property is zoned R-R. The applicant has provided separate cluster data information for each zone. However, the subdivision is a combination of both the R-80- and R-R-zoned properties.

The applicant is proposing to dedicate 10.19 acres (Parcel F) to M-NCPPC for the fulfillment of the mandatory dedication of parkland requirement, as discussed further in Finding 5 of this report. The cluster open space totaling 114.17 acres (Parcels A –E, & G) is to be conveyed to a homeowners association (HOA).

The property has frontage on Brandywine Road to the west and Branch Avenue to the east. The primary subdivision access is being proposed via Brandywine Road to the west. Additional access points include the extension of two existing stub streets to the south, Colorado Street along the southwest and Groveton Drive along the southeast. Both of these streets will extend from the Crestview Manor subdivision. These streets were originally platted as stub streets along the north property line of the Crestview Manor subdivision with the intention of providing access to developing properties to the north. The applicant's proposal is consistent with the provision made through the subdivision of the Crestview Manor subdivision. Access to Branch Avenue should be denied and reflected on the final plats of subdivision. The internal streets provided for circulation of the subdivision will be dedicated to public use and constructed by the applicant. Lots 34 and 35, Block A, have frontage on and propose direct vehicular access to Brandywine Road.

SETTING

The property is located on the east side of Brandywine Road directly across from Den Lee Drive in Clinton. To the north is R-R-zoned land developed with the Clinton Methodist Church and other generally undeveloped parcels of land. To the east is Branch Avenue (MD 5). To the south is the established subdivision of Crestview Manor, zoned R-80 and developed with single-family dwelling units. Also to the south is the Piscataway Creek Park owned by M-NCPPC. To the west, across Brandywine Road, is the established subdivision of Den Lee Acres and Clinton Woods, zoned R-80 and developed with single-family

dwelling units.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	R-80/R-R	R-80/R-R
Use(s)	Residential	Residential
Acreage	R-80/11.27 acres R-R/233.96	R-80/11.27 acres R-R/233.96
Lots	1	289
Parcels	5	7
Dwelling Units:		
Detached	1	289

Cluster Development Data as proposed by the Applicant

Zone R-R	
Gross Tract Area	233.96 acres
Area with Slopes Greater than 25%	11.39 acres
Area within Preliminary 100-year Floodplain	29.40 acres
Cluster Net Tract Area	192.90 acres
Minimum Lot Size Permitted	10,000 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.
Number of Lots Permitted	385
Number of Lots Proposed	272
Flag lots proposed	0
Cluster Open Space Required	38.30 acres
Zone R-80	
Gross Tract Area	11.27 acres
Area with Slopes Greater than 25%	0.85 acres
Area within Preliminary 100-year Floodplain	0.00 acres
Cluster Net Tract Area	10.42 acres
Minimum Lot Size Permitted	6,500 sq.ft.
Minimum Lot Size Proposed	10,000 sq.ft.

Number of Lots Permitted	31
Number of Lots Proposed	17
Flag lots proposed	0

Cluster Open Space Required	0.00 acres
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R-R and R-80

2/3 of Required Open Space to be Located Outside of the 100-Year Floodplain and Stormwater Management Facilities	25.53 acres
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Cluster Open Space Proposed Outside of the 100-Year Floodplain and Stormwater Management Facilities	
Cluster Open Space Provided	94.96 acres

Mandatory Dedication Required	10.02 acres
Mandatory Dedication Proposed	10.19 acres

Total Open Space Required (Cluster plus Mandatory Dedication)	47.94 acres
Total Open Space Provided	124.36 acres

Open Space to be Conveyed to Homeowners' Association	114.17 acres
Open Space to be Conveyed to M-NCPPC	10.19 acres
Open Space to be Conveyed to Prince George's County	0 acres

Slopes Exceeding 25% in grade	12.24 acres
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Area of Steep Slopes to be Disturbed	2.78 acres
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Modification in Dimensional Standards Permitted in Cluster R-R Zone		Standard in Zone	Modification	
			Allowed	Proposed
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	80'	75'	75'
	Lot Frontage Along Street Line	70'	50'	50'
	Lot Frontage Along Cul-de-sac	60'	50'	50'

Modification in Dimensional Standards Permitted in Cluster R-80 Zone		Standard in Zone	Modification	
			Allowed	Proposed
27-443.2(c)	Net Lot Coverage	25%	30%	30%
27-442(d)	Lot Width at Bldg. Line	75'	65'	65'
	Lot Frontage Along Street Line	50'	45'	45'
	Lot Frontage Along Cul-de-	50'	45'	45'

2. **Cluster Findings**—The purpose of cluster development is to permit a procedure for development which will result in improved living environments; promote more economic subdivision layout; encourage a variety of designs of dwellings; encourage ingenuity and originality in total subdivision layout and individual site and building design; encourage compatibility with historic resources; preserve open space to serve recreational, scenic, and public service purposes; and other purposes related thereto, within the densities established for the cluster net tract area. To achieve these purposes the subdivision regulations provide for the variation in net lot areas, lot coverages, frontages, and yard setbacks.

A cluster development should, through creative design and a variety of one-family detached dwelling styles, provide for a total environment better than that which would normally be achieved under standard regulations. The applicant has submitted a conventional layout that was evaluated by staff in comparison to the cluster design proposal. Based on the following, the staff believes that the development of a cluster subdivision in this location would create a better environment for the residence than could be achieved under a standard development proposal. However, further evaluation and relocation of several lots should be evaluated at the time of detailed site plan (DSP). Lots 1 and 2, Block A, should be relocated so as not to be on the “fringe” of the development.

If, in the opinion of the Planning Board, the proposed preliminary plan of subdivision could be improved with respect to the criteria listed below by the reasonable modification of the purpose, configuration, location, or design of cluster open space or buildings, or the location or configuration of lots, streets, parking areas, or other features of the development, the proposed preliminary plan of subdivision, conceptual site plan, DSP, or architectural drawings should be modified. In approving a proposal, the Planning Board shall find that the following criteria have been met, as applicable to the particular plan under consideration:

- (1) **Individual lots, buildings, streets, and parking areas will be designed and situated in conformance with the provisions for woodland conservation and tree preservation set forth in Subtitle 25 of the Prince George's County Code, and in order to minimize alteration of the historic resource or natural site features to be preserved.**

Comment: The cluster open space has been designed around proposed tree conservation, particularly where dwellings back on to the cluster open space. This will allow for dwellings to back up to tree conservation areas. In addition, through the DSP review process additional modifications can be made to further the concepts of the cluster design.

- (2) **Cluster open space intended for a recreational or public use, conservation purposes, or as a buffer for a historic resource is appropriate, given its size, shape, topography, and location, and is suitable for the particular purpose it is to serve on the site.**

Comment: The applicant has carefully proposed cluster open space for the provision of private recreational facilities. It should be noted that the Department of Parks and Recreation has recommended the dedication of Parcel F to the south for the fulfillment of the mandatory dedication of parkland requirement. The applicant, in addition to that which is required by the Subdivision Regulations to serve the residents of this community, proposes to provide private recreational facilities for the homeowners.

- (3) Cluster open space will include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, steep slopes, individual trees of significant size, and rock outcroppings).**

Comment: The property has significant environmental features such as 100-year floodplain, wetlands and steep and severe slopes. By utilizing the cluster provision of the subdivision the applicant has been able to place these features within open space areas that will remain in either the ownership of M-NCPPC or in the ownership of a homeowners association for monitoring. A conservation easement will be placed over the sensitive environmental areas to be dedicated to the HOA.

- (4) Cluster open space intended for a recreational or public use will be easily accessible to pedestrians; and the means of access will meet the needs of the physically handicapped and elderly.**

Comment: The cluster open space for active recreation has been placed in open space parcels abutting public streets within the subdivision. These open space parcels have been distributed throughout the development to provide for easy pedestrian access. The open space parcels provide for passive recreational needs, and pleasing views have been provided generally along the perimeters of the site benefiting all the residents of the community. Through the review of the DSP assurance shall be made to provide adequate access to recreational areas for the physically handicapped. Appropriate access points can be further evaluated and modified from those proposed on the preliminary plan at the time of the more detailed review of the DSP.

- (5) Cluster open space intended for scenic value will achieve this purpose through the retention of those irreplaceable natural features described in paragraph (3) above; or where such natural features do not exist, such techniques as berms planted with trees and the use of landscaping materials may be required to eliminate visual monotony of the landscape.**

Comment: Natural environmental features benefit the property, such as wetlands, 100-year floodplain, steep and severe slopes, and existing mature trees. The applicant has proposed the retention of mature trees in key locations throughout the development and proposed a lotting pattern around these features to enhance the views for all of the residents of the community.

- (6) Diversity and originality in lot layout and individual building design, orientation, and location will achieve the best possible relationship between development and the land.**

Comment: The property is unique in its shape and represents an “L” with limited frontage on Brandywine Road, extending east toward Branch Avenue then south toward Piscataway Park (M-NCPPC). The primary street frontage for this property is along Branch Avenue. The applicant has designed a unique layout to accommodate the unusual shape of the property and the extensive environmental features, complementing both elements in the design process. The individual design and orientation of buildings on this property will be evaluated through the review of the DSP to further achieve the best possible relationship between the development and the land.

- (6) Individual lots, buildings, parking areas, and streets will be arranged, designed, situated, and oriented, so as to harmoniously relate to surrounding properties, to**

improve the view from dwellings, and to lessen the area devoted to motor vehicle access and circulation.

Comments: The applicant has proposed to locate lots exceeding the minimum lot size of 10,000 square feet along the south property line with the Crestwood Manor subdivision. The applicant would note that the residents of the existing dwellings along the south property line have enjoyed the undeveloped nature of this property for many. By increasing the lot size along this property line, the applicant has softened the impact of the subject development on those properties abutting to the south. The larger lot areas along this property line will not appear to be as dense as what could be realized with 10,000-square-foot lot sizes. The average proposed lot size along the south property line is 20,000 square feet. Providing compatible lot sizes does not always provide a compatible environment.

- 7. Individual lots, buildings, parking areas, and streets will be so situated and oriented as to avoid the adverse effects of shadows, noise, and traffic on, and afford privacy to, the residents of the site.**

Comment: Large buffers exist in several places on the plan. Lots relate to one another in a typical fashion with backs to backs and sides to sides, ensuring the best relationship between outdoor activities on adjacent lots. Privacy is well protected by existing features and trees. In areas where rear yards back to external streets, the *Landscape Manual* bufferyard requirement will ensure privacy. In addition, along Branch Avenue the applicant has provided the required 300-foot lot depth required by Section 24-121 of the Subdivision Regulations to further assist in the privacy of the residence.

- (9) Not more than one-fourth (1/4) of any land having slopes greater than twenty-five percent (25%) will be removed or altered, and then only when such slopes are isolated, small, or otherwise occur as insignificant knolls, so that the design of the development or cluster open space will not be adversely affected.**

Comment: Of the 12.24 acres of slopes exceeding 25 percent in grade, the applicant proposes to disturb approximately 2.78 acres (22 percent).

- 3. Environmental—**This site is subject to the provisions of the Woodland Conservation Ordinance because the entire site is more than 40,000 square feet in size, has more than 10,000 square feet of woodland, and has a previously approved Tree Conservation Plan for a portion of the total area.

A Forest Stand Delineation, dated February 21, 2003, showing 76 sample areas, 8 forest stands and 37 specimens trees has been reviewed and was found to meet the requirements of the Woodland Conservation Ordinance.

A Type I Tree Conservation Plan, TCPI/22/99, was approved by PGCPB No. 99-117 for 4-99027 that included a portion of the subject site. The current application includes more land than was in 4-99027 and constitutes a major revision to the previously approved TCP.

The revised plan proposes clearing 89.96 acres of the existing 154.23 acres of upland woodland and proposes clearing 2.19 acres of the existing 28.51 acres of floodplain woodland. The clearing of floodplain woodland is for the installation of a required road crossing of the main stream on the site,

required connections to the existing sanitary sewer and minor stormwater management outfalls. This clearing is discussed below in more detail with regard to variation requests.

The plan has correctly calculated the required woodland conservation as 67.68 acres and proposes to meet this requirement by providing 64.27 acres of on-site preservation and 3.56 acres of on-site reforestation. No designated woodland conservation areas are proposed on any lots; however, approximately 3.5 acres of woodland are proposed to be saved on lots but are not part of any requirement.

During the review and approval of the Detailed Site Plan and the companion Type II Tree Conservation Plan, some additional clearing of woodland retained on lots may be required. The plan adheres to the Woodland Conservation and Tree Preservation Policy Document by providing conservation of forested floodplain, forested wetlands and forested stream buffers and by avoiding fragmentation.

The Environmental Planning Section has reviewed the revised Type I Tree Conservation Plan, TCPI/22/99-01 and recommends approval of TCPI/22/99-01 with conditions.

There are streams, wetlands and 100-year floodplain on the property. The property drains into Piscataway Creek in the Potomac River watershed. Current air photos indicate that about three-quarters of the site are forested. No designated scenic or historic roads are affected by this proposal.

According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication titled "Ecologically Significant Areas in Anne Arundel and Prince George's Counties," December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The *Subregion V Master Plan* indicates that there are substantial areas designated as Natural Reserve on the site. As noted on page 136 of the *Subregion V Master Plan*:

"The Natural Reserve Area is composed of areas having physical features which exhibit severe constraints to development or which are important to sensitive ecological systems. Natural Reserve Areas must be preserved in their natural state."

The *Subregion V Master Plan* elaborates:

"The Natural Reserve Areas, containing floodplain and other areas unsuitable for development should be restricted from development except for agricultural, recreational and other similar uses. Land grading should be discouraged. When disturbance is permitted, all necessary conditions should be imposed."

From the plans submitted it is not possible to quantify the proposed impacts to the Natural Reserve; however, it is clear that impacts are proposed. For the purposes of this review, these areas include the expanded stream buffer, any isolated sensitive environmental features and the 100-year floodplain.

The Preliminary Plan of Subdivision shows streams on the site, the required minimum 50-foot stream buffers, a 100-year floodplain, and all slopes exceeding 25 percent, all slopes between 15 and 25

percent, and an expanded stream buffer. A wetlands report describes the wetlands shown on the plans. For the most part the delineation of the expanded buffer is correct; however, there are some areas that should not be included in the buffer.

Review of Variation Requests

The plan proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are restricted by Section 24-130 of the Subdivision Regulations 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;*

Staff notes that the subject property is bisected by a major stream, is dissected by tributary streams, and for traffic safety is denied access on the east to Branch Avenue. Areas of steep and severe slopes adjacent to the streams increase the total area of sensitive environmental features.

A variation request listing seven individual impacts was submitted. The variation request provides a justification for each proposed impact, indicates the specific square footages of each proposed impact, and the details of each impact are provided in exhibits.

Variation request “A” is for the **construction of a stormwater outfall** and will impact 300 square feet of wetlands and 1,200 square feet of expanded buffer. This installation is in conformance with

Stormwater Management Concept Plan CSD #22245-2002-00, as approved by the Prince George's County Department of Environmental Resources. This request is intended to fulfill existing regulations regarding stormwater management. The details of construction will be reevaluated during the review of the Detailed Site Plan to further reduce impacts. 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 "A."

Variation request "B" is for the **construction of proposed Road B**, the principal road for the development. Because a stream bisects the property from north to south and access for the eastern portion of the site is denied to Branch Avenue, a stream crossing is needed to serve a substantial portion of the overall development. The road has been designed to meet the standards of the Department of Public Works and Transportation for a standard section residential street in a 60-foot right-of-way. The construction will impact 175 linear feet of Waters of the United States, 37,000 square feet of wetland, and 11,900 square feet of expanded buffer. The details of construction will be reevaluated during the review of the Detailed Site Plan to further reduce impacts. 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 "B."

Variation requests "C," "D" and "G" are for the **construction of sanitary sewer connections** and will cumulatively create a temporary impact to 220 linear feet of Waters of the United States, 2,800 square feet of wetlands, and 23,500 square feet of expanded buffer. The Washington Suburban Sanitary Commission has determined that these connections are required in these specific locations to properly connect to the existing sewer trunk line. There are no practicable alternatives for these alignments because of the location of the existing sewer lines and the topography of the site. The details of construction will be reevaluated during the review of the Detailed Site Plan to further reduce impacts. 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 "C," "D" and "G."

Variation request "E" is for a proposed impact to 7,900 square feet of expanded buffer for the grading of lots. Staff have examined the delineation of the expanded buffer in this location and determined that it is incorrect. The proposed grading will not impact any expanded buffer. A variation request is **not required**.

Variation request "F" is for the **construction of a water line connection** and will temporarily impact 15 linear feet of waters of the United States, 2,200 square feet of wetlands, and 2,900 square feet of expanded buffer. The Washington Suburban Sanitary Commission has determined that this connection is required in this specific location to properly create a water service loop. There is no practicable alternative for this alignment because of the location of the water line. The details of construction will be reevaluated during the review of the Detailed Site Plan to further reduce impacts. 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 "F."

The Environmental Planning Section supports the variation requests "A," "B," "C," "D" and "F" and does not support variation request "E" for the reasons stated in this memorandum.

Staff recommends that the preliminary plan of subdivision be revised to include the expanded buffer and reviewed by the Environmental Planning Section to ensure that the delineation is correct. Staff does not believe that any substantial revisions to the expanded buffer are necessary.

The *Prince George's County Soils Survey* indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Chillum, Christiana, Croom, Galestown, Howell, Iuka, Keyport, Marr, Matapeake, Sandy Land, and Westphalia soils series. A gravel pit is also indicated. Marlboro Clay does not occur in this area.

The gravel pit area is of concern. Due to the unknown nature of the soils and the limitations associated with other soils found on this property, a soils report addressing the soil structure, soil characteristics and foundation stability has been submitted. The soils report is required in order to allow analysis of the site with regard to the required findings of Section 24-131 of the Subdivision Regulations. The study clearly defines the limits of past excavation and indicates all areas where fill has been placed. The Environmental Planning Section has reviewed the soils study and determined that the subdivision layout shown will not be significantly impacted by the presence of the shallow fill and can be accommodated at the time of review of the DSP.

MD 5 is an adjacent source of traffic-generated noise. The *Subregion V Master Plan* designates this road as a freeway. Section 24-121(a)(4) requires that residential lots adjacent to existing or planned roadways of arterial classification or higher be platted to a minimum depth of 300 feet and that adequate protection and screening from traffic nuisances be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. Although the plan shows minimum lot depths exceeding 300 feet, the information submitted is insufficient to determine if there is adequate protection and screening from traffic nuisances.

The noise model used by the Environmental Planning Section predicts that the unmitigated 65 dBA Ldn noise contour is about 449 feet from the centerline of MD 5. In a memorandum dated February 12, 2003, the Environmental Planning Section noted that the plan must be revised to show this noise contour or a Phase I noise study could be submitted and the plan revised to show the unmitigated 65 dBA contour contained in the study. No noise study has been submitted for review and the predicted 65 dBA Ldn noise contour is not shown on the plans.

Some of the proposed lots are within the estimated 65 dBA Ldn noise contour. Noise mitigation measures for outdoor activity areas within the 65 dBA Ldn must be provided. Noise mitigation measures are recommended to be addressed with the DSP.

4. **Community Planning**—The subject property is located within the limits of the Subregion V master plan (1993) in Planning Area 81A in the Clinton Community. The 2002 General Plan locates this property in the Developing Tier. The land use recommendation for this property is for low-suburban residential land use. The preliminary plan is consistent with the recommendation of the General Plan and the master plan.

The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly “transit serviceable.” One of the challenges cited for future development in the Developing Tier is “to direct growth in order to encourage design of new communities and neighborhoods, and existing communities to be more land efficient, more environmentally sensitive, and more transit supporting than conventional subdivisions.” The broad goals and policies of the new General Plan that

encourage revised development patterns need to be implemented primarily through revisions to the land use regulations, area master plans and sector plans, and through other public initiatives. In the interim, this preliminary subdivision application in the Developing Tier, prepared in accordance with existing regulations, is not inconsistent with General Plan policies.

This application is located in an area identified by the *Subregion V Master Plan* (1991) as a suburban living area in the South Village of the Clinton Community, which is the most developed community in Subregion V. The land that remains for further residential development is generally in the form of relatively small infill parcels, many with odd shapes or difficult topography, scattered amongst the various subdivisions that have already been built or approved for development. Thus, the living area pattern for Clinton is largely established. The plan for future residential development in Clinton is to ensure that the character and timing of infill residential development and redevelopment has a positive impact on the community as a whole.

The subject property is one of the larger remaining undeveloped properties in the Clinton area and contains some topographic features that pose challenges to development, e.g., steep slopes, stream valleys and floodplains. Established single-family, detached residential neighborhoods are located to the west of this tract, along Brandywine Road. The north side of the property adjoins several undeveloped properties and more established single-family neighborhoods. The west side of the property adjoins Branch Avenue (MD 5), which is classified as a freeway; no direct access is allowed. A PEPCO electric power transmission line right-of-way crosses the southern part of the property near Piscataway Creek and does not impact the proposed development.

The Subregion V Master Plan (1993) recommends low-suburban residential land use at up to 2.6 dwelling units per acre for the subject property. Use of flexible development techniques is advocated by master plan living area design principles to promote careful site planning that encourages diversification of housing products and styles, preservation of open space and natural features, cohesive pedestrian connections, and adequate buffers between incompatible uses. Cluster subdivision development in the R-R and R-80 Zones is an approach that is consistent with these recommendations.

5. **Parks and Recreation**—In accordance with Section 24-137 of the Subdivision Regulations, the Department of Parks and Recreation recommends the conveyance of Parcel F to M-NCPPC for the fulfillment of the mandatory dedication of parkland requirement. The cluster open space should be conveyed to a homeowners association (HOA) and not retained by M-NCPPC. Private recreational facilities proposed by the applicant to be located on lands to be dedicated to the HOA should be bonded for construction.
6. **Trails**—The master plan recommends that Brandywine Road be designated as a Class III bikeway with appropriate signage. Because Brandywine Road is a county right-of-way, the applicant should provide a financial contribution to the Department of Public Works and Transportation for the placement of this signage. A note should be placed on the final plat for payment to be received prior to the issuance of the first building permit.

If road improvements are required for Brandywine Road, 7- to 10-foot-wide asphalt shoulders are encouraged in conjunction with the placement of bikeway signage. In addition, standard sidewalks are recommended along both sides of all internal roadways. A hiker-biker-equestrian trail is recommended along Piscataway Creek and is not the responsibility of this applicant. The trail is proposed to be constructed by the Department of Parks and Recreation at a later time.

7. **Transportation**—The applicant proposes a residential subdivision consisting of 289 single-family lots. The site is proposed to gain access by a new primary street onto Brandywine Road opposite Den Lee Drive and will also utilize two existing stub streets to connect to the existing Crestview Manor community.

The transportation staff determined that a traffic study detailing weekday analyses was needed. In response, the applicant submitted a traffic study dated March 2003. Staff has also prepared a comprehensive analysis of the area and all pending applications dated May 2003; this will be completed and be placed into the file for this case prior to the Planning Board hearing. 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) are included in the back-up and have been taken into consideration; comments from the State Highway Administration (SHA) have not yet been received, but they will be provided and addressed when they are received.

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 4-03003 examined the site impact at seven intersections in the area:

- MD 5/Surratts Road
- Brandywine Road/Surratts Road
- Brandywine Road/Simmons Lane (unsignalized)
- Brandywine Road/site access (unsignalized)
- Brandywine Road/Brooke-Jane Drive/Northgate Parkway (unsignalized)
- Brandywine Road/Kaine Drive/Danford Drive (unsignalized)
- Brandywine Road/Floral Park Road (unsignalized)

Staff observed traffic operations in the area between 6:45 a.m. and 8:15 a.m. on March 25, 2003, in

connection with a previous subdivision application. Consistent with findings made during the review of an earlier case (Preliminary Plan of Subdivision 4-02106, Buckler Property), staff makes the following findings:

- a. Severe back-ups occurred along MD 5 from Surratts Road to a point beyond Brandywine Road. Over this entire four-mile section, traffic proceeds in a stop-and-go condition.
- b. Staff observed northbound traffic along Brandywine Road in a back-up from MD 223 back through Surratts Road, and from Surratts Road back through Thrift Road. At its worst, the backup extended as far south as Symposium Way.
- c. Staff drove several routes as a means of comparing travel times from Brandywine Road/Groveton Drive to MD 5/Coventry Way. In the past, staff has consistently contended that, with a proposed widening of Surratts Road in place, traffic generated in neighborhoods along Brandywine Road would tend to use Surratts Road to access MD 5 and continue north. Staff believes that this presumption is no longer valid for the following reasons:
 - (1) This routing is longer in distance—by 20 percent or more—than routings using Brandywine Road up to MD 223.
 - (2) The timing of the signal on the eastbound approach to MD 5 has been adjusted to give more preference to through traffic along MD 5—so much so that average delays spent waiting for a green light exceed three minutes. This is a great deterrent to traffic from the local communities using Surratts Road, regardless of whether the CIP project to widen Surratts Road is implemented or not, and the delay at the MD 5 approach causes this route to be the slower than other routes in the area *despite the backups along Brandywine Road between MD 223 and Surratts Road*.
 - (3) The traffic backups along Brandywine Road at the Surratts Road and Thrift Road intersections are so severe that road users encounter considerable delay just getting to Surratts Road.

The Planning Board's Guidelines assume that each intersection in a traffic study operates independent of other adjacent intersections (unless the intersections are linked through signal progression or other means). In this circumstance, however, the Brandywine Road/Surratts Road intersection cannot operate independently of either the MD 223/Old Branch Avenue/Brandywine Road intersection or the Brandywine Road/Thrift Road intersection. Although the submitted traffic study did not review the MD 223/Old Branch Avenue/Brandywine Road intersection, staff has determined that this intersection must be considered critical for the subject property.

In accordance with analyses done for the Buckler Property (4-02106), Saddle Creek (4-02126), and the White Property (4-03014), staff will also consider the MD 5/Brandywine Road intersection to be critical.

At the time of review of the study regarding the subject property, staff had three separate traffic studies with similar study areas and each with their own set of counts. Because multiple counts are multiple snapshots of traffic flows that naturally vary day by day, basing an analysis on multiple counts is technically superior to basing the analysis on a single count. Furthermore, it is preferable to have a single basis to assist the Planning Board in making consistent findings for a group of cases.

For that reason, staff has produced a comprehensive analysis of the area, using a single assumption for growth and a single set of approved developments with common assumptions of trip distributions for those developments. Also, staff has averaged the available traffic counts where multiple counts were available at the same intersection, with a couple of exceptions. Staff had two counts at the MD 223/Old Branch Avenue/Brandywine Road intersection, and one count was lower on all approaches than the other and was excluded. The lower count was also lower than available hourly state counts which were more than one year old. At MD 5/Surratts Road, staff had three counts. While two counts were relatively close numerically, the third count was inconsistent during the PM peak hour, particularly on the north and east approaches, and was excluded. All three counts were used during the AM peak hour.

The existing conditions at the study intersections are summarized below:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,527	1,283	E	C
MD 5 and Brandywine Road	1,791	2,220	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,571	1,408	E	D
Surratts Road and Brandywine Road	1,585	1,567	E	E
Thrift Road and Brandywine Road	1,107	930	B	A
Brandywine Road and Simmons Lane	13.4*	9.8*	--	--
Brandywine Road and site entrance	Future			
Brandywine Road and Brooke-Jane/Northgate	14.5*	20.4*	--	--
Brandywine Road and Kaine Drive/Danford Drive	11.8*	16.8*	--	--
Brandywine Road and Floral Park Road	12.0*	16.3*	--	--
*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. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

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. However, staff notes that this improvement has an unusually long history of full funding in the CIP without being constructed. Furthermore, DPW&T has indicated in their referral comments that this CIP item will **not** be fully funded for construction in the upcoming CIP.

This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road may provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly, particularly in the AM peak hour.

Background conditions, with the Surratts Road CIP improvement in place and including the Buckler Property (4-02106, approved), Saddle Creek (4-02126, approved), and the White Property (4-03014, pending for hearing on 5/22/2003), are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,728	1,511	F	E
MD 5 and Brandywine Road	1,935	2,357	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,833	1,688	F	F
Surratts Road and Brandywine Road	1,314	1,378	D	D
Thrift Road and Brandywine Road	1,410	1,222	D	C
Brandywine Road and Simmons Lane	13.9*	10.4*	--	--
Brandywine Road and site entrance	Future			
Brandywine Road and Brooke-Jane/Northgate	15.9*	22.7*	--	--
Brandywine Road and Kaine Drive/Danford Drive	12.6*	18.0*	--	--
Brandywine Road and Floral Park Road	21.1*	18.9*	--	--
*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. Values shown as "+999" suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for development as a residential subdivision. The site is proposed to be developed with 289 single-family detached residences, according to the most recent plan. The site trip generation would be 216 AM peak hour trips (43 in, 173 out) and 261 PM peak hour trips (171 in, 90 out). The site trip distribution and assignment used in the traffic study has been reviewed in light of the field observations done by staff. Staff wants the trip distributions used in this area to be roughly consistent and recommends that the trip distribution be revised to reflect the following:

- 5%—north along Brandywine Road and west on MD 223
- 25%—north along Brandywine Road and north on Old Branch Avenue

15%—north along Brandywine Road and east on MD 223
 25%—north along Brandywine Road, east on Surratts Road, and north on MD 5
 9%—north along Brandywine Road, east on Surratts Road, and continuing east
 5%—southeast along Brandywine Road
 15%—south along Brandywine Road onto MD 5
 1%—west along Floral Park Road

With the revised trip distribution and assignment, staff obtained the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,750	1,511	F	E
MD 5 and Brandywine Road	1,935	2,392	F	F
MD 223 and Old Branch Avenue/Brandywine Road	1,905	1,742	F	F
Surratts Road and Brandywine Road	1,399	1,164	D	C
Thrift Road and Brandywine Road	1,547	1,357	E	D
Brandywine Road and Simmons Lane	15.7*	11.1*	--	--
Brandywine Road and site entrance	19.4*	18.2*	--	--
Brandywine Road and Brooke-Jane/Northgate	16.9*	25.0*	--	--
Brandywine Road and Kaine Drive/Danford Drive	13.5*	19.5*	--	--
Brandywine Road and Floral Park Road	22.4*	20.3*	--	--
*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. Values shown as “+999” suggest that the parameters are outside of the normal range of the procedure, and should be interpreted as a severe inadequacy.				

Given these analyses, staff finds that several 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) is 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 third criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The applicant recommends that the southbound approach of MD 5 be widened to provide two left-turn lanes. Staff determined that this improvement alone was helpful in the morning, but it did not address the mitigation needs during the afternoon peak hour. As a result, the proposal could not mitigate the applicant’s traffic. The assessment was not based on the counts in the applicant’s traffic study, but rather the averaged counts of the three studies that were done. Staff believes that the improvements described below would mitigate the

impact of the applicant's development in accordance with the provisions of Section 24-124(a)(6). The improvements include:

- a. The addition of a northbound left-turn lane along MD 5.
- b. 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/1728	E/1511		
Total Traffic Conditions		F/1750	E/1523	+22	+12
Total Traffic Conditions w/Mitigation		E/1684	D/1476	-66	-47

As the CLV at MD 5/Surratts is between 1,450 and 1,813 during both peak hours, the proposed action must mitigate at least 150 percent of the trips generated by the subject property during the PM peak hour, according to the Guidelines. The above table indicates that the proposed action would mitigate at least 150 percent of site-generated trips during each peak hour. **Therefore, staff's 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.**

Comments have not been received from SHA to date. SHA did approve of a similar proposal for another property, however. Therefore, staff believes that there is sufficient evidence that the subject application can move forward with staff's recommended improvements at this location.

MD 5/Brandywine Road

The traffic study identifies inadequacies 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. While the use of a pro-rata share toward these interchanges was used to approve a number of major developments prior to 1993, staff has become aware that allowing applicants to "participate in" improvements which provide adequacy may not be consistent with a current reading of Section 24-124.

In response to the inadequacy at these intersections, staff would suggest mitigation as a means for approval. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines for Mitigation Action* (approved as CR-29-1994). The addition of an additional northbound and southbound through lane through this intersection and the adjacent MD 5/MD 373 intersection would mitigate the impact of the applicant's development in accordance with the provisions of Sec. 24-124(a)(6). Because of the limited spacing between the two intersections, the through lane cannot operate unless it is extended through both. 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/Brandywine Road				
Background Conditions	F/1935	F/2357		
Total Traffic Conditions	F/1937	F/2392	+2	+35
Total Traffic Conditions w/Mitigation	E/1530	F/1694	-407	-698

The improvements at this intersection mitigate at least 150 percent of the trips generated by the subject property during each peak hour, and they bring the CLV to no greater than 1,813 during any peak hour. **Therefore, staff's proposed mitigation at MD 5/Brandywine Road meets the requirements of Section 24-124(a)(6)(B)(i) of the Subdivision Ordinance in considering traffic impacts.**

Brandywine Road/Surratts Road, MD 223/Old Branch/Brandywine Road, Brandywine Road/Thrift Road, and the Adjacent Link of Surratts Road

As noted earlier, an improvement is funded in the FY 2003 CIP, but the proposed FY 2004 CIP does not include this funding. This improvement 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 provided for by the Subdivision Regulations, staff has reservations about its inclusion given its status in the proposed CIP. As noted earlier, construction funding had not moved forward for several years, and the project has been deferred in succeeding documents.

In order to relieve the inadequacies at Brandywine Road/Surratts Road, staff recommends the following improvements on the approaches:

- a. Provide separate through and right-turn lanes along northbound Brandywine Road, extending as two through lanes to a point south of Thrift Road.
- b. Provide two through lanes and an exclusive left-turn lane along southbound Brandywine Road.
- c. Provide an exclusive left-turn lane and a shared right-turn/left-turn lane along westbound Surratts Road.

In order to relieve the inadequacies at MD 223/Old Branch Avenue/Brandywine Road, staff recommends the following improvements on the approaches:

- a. Provide separate left-turn, through, and right-turn lanes along northbound Brandywine Road, with a needed widening along Brandywine Road south of MD 223 to receive two through lanes.
- b. Reconfigure southbound Brandywine Road to provide an exclusive left-turn lane, and exclusive through lane, and a shared through/right-turn lane.

- c. Provide an exclusive left-turn lane, an exclusive through lane, and a shared through right-turn westbound MD 223.
- d. Provide an exclusive left-turn lane, two through lanes, and an exclusive right-turn lane along eastbound MD 223.
- e. With the elimination of shared left-turn lanes along MD 223, convert the current split-phase signal operation along MD 223 to shared phase operation.

With the listed improvements in place, adequate traffic operations would be provided at both locations with the approval of the current application and the two pending applications.

Comments – Operating Agencies

DPW&T has provided comments on the traffic study, and the comments are attached. The comments include:

- a. DPW&T notes the disparity in traffic volumes between the various studies. Regarding the disparity, staff is utilizing a common set of numbers to analyze the various current applications and has averaged the various counts where multiple counts exist.
- b. DPW&T has noted the funding issue with the Brandywine Road/Surratts Road intersection, and staff is addressing this concern.
- c. DPW&T requests a link analysis of Brandywine Road between MD 223 and Surratts Road, and an analysis between Surratts Road and MD 5. If a signal is studied and installed at the site access to Brandywine Road, the signals generally control the flow of traffic up and down the corridor. For that reason, the Guidelines do not recommend the study of a link less than two miles in length between signalized intersections. While the link between the subject property and Thrift Road is marginally two miles in length, no other portions of Brandywine Road would be eligible for a link analysis.
- d. DPW&T indicates that the construction of a double left-turn lane along MD 5 at Surratts Road is not justified. However, staff notes that SHA has agreed to this improvement in the past, and the comments of that agency provide staff with the primary guidance within a state facility.

Plan Comments

Brandywine Road is a master plan collector facility, and the plan correctly reflects dedication of 40 feet from centerline.

The Subregion V Master Plan shows a facility, P-502, which begins at Brandywine Road, loops east and south through the property, and connects to existing Danford Drive. This is a planned primary residential facility which is intended “to serve several properties adjacent to MD 5” to avoid having any property require a street connection onto MD 5. There is an additional need to provide improved connectivity between adjacent neighborhoods. Because the properties intended to be served are all proposed for development under this plan, the need for an overall primary loop is greatly reduced if not fully eliminated. By providing a connection onto Groveton Drive, the equivalent function of the P-502 facility should be served.

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 Subdivision Regulations if the application is approved with conditions.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) and concluded the following.

Finding

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	289 sfd	289 sfd	289 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	69.36	17.34	34.68
Actual Enrollment	4,452	4,598	8,393
Completion Enrollment	180	66	132
Wait Enrollment	20	15	29
Cumulative Enrollment	18.24	10.50	21.00
Total Enrollment	4,739.60	4,706.84	8,609.68
State Rated Capacity	4,175	5,114	7,752
Percent Capacity	113.52%	92.04%	111.06%
Funded School	N/A	N/A	Surrattsville addn.

Source: Prince George's County Planning Department, M-NCPPC, January 2003

This recommendation is based on the originally submitted preliminary plan that proposed 289 lots. These findings are subject to change in accordance with the provisions of CR-23-2001 and CR-38-2002 and will be revised to reflect the number of lots in the preliminary plan resolution if the subdivision is approved by the Planning Board.

The affected elementary and high school clusters percent capacities are greater than 105 percent. There are no Funded Schools 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.

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

10. **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 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. Based on the original layout of the subdivision, Block A, Lots 1-23; Block B, Lots 1-9; Block C, Lots 1-20; Block D, Lots 1-39; Block E, Lots 1-16; Block F, Lots 1-10; and Block G, Lots 1-10; Block H, Lots 1 and 2; Block I, Lots 1-15; Block J, Lot 1; and Block N, Lot 1, are within the recommended response time guideline. All other lots are beyond the guideline.
- b. The existing ambulance at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 6.13 minutes, which is within the 6.25-minute travel time guideline.
- c. The existing paramedic at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 6.13 minutes, which is within the 7.25-minute travel time guideline.
- d. The above findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

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 law, no condition is necessary.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. In accordance with Section 24-122.1(c) of the Subdivision Regulations, the existing county police facilities will be adequate to serve the proposed Walls Property development. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department notes the possibility of the existence of abandoned wells and septic fields on the property and advises that these facilities should be properly abandoned.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 22245-2002-00, 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.

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 correct the Cluster Data in accordance with the staff report and the Planning Board's action.
 - b. To increase the scale of the lot size reduction table to be legible to the human eye.
 - c. To provide a consistent acreage on the plan of Parcel E.
 - d. To revise the parcel table to include to whom they are to be dedicated.
 - e. To provide the 65 dBA line.
 - f. To provide a 20-foot-wide direct access to the stormwater management pond at the end of a cul-de-sac at Block F in the vicinity of the easement, offset from the middle.
 - g. To provide a note that mandatory dedication is to be fulfilled by the dedication of land and the on-site recreational facility is in addition to that required by Section 24-134 of the Subdivision Regulations.
 - h. To provide a note that the trail locations and access points are conceptual and that appropriate locations will be determined at the time of review of the DSP.
 - i. To provide a note that common open space parcels may be lotted out to the extent of continued conformance to the cluster open space requirement if determined appropriate at the time of review of the DSP.
 - j. To revise the recreation facilities note to include "or as determined appropriate at the time of DSP."
2. A Type II Tree Conservation Plan shall be approved in conjunction with the approval of the Detailed Site Plan.
 3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign(s) along Brandywine Road, designated a Class III Bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If the Department of Public Works and Transportation declines the signage, this condition shall be void.
 4. The applicant, his heirs, successors and or assignees shall provide standard sidewalks along both side of internal public streets unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
 5. Development of this subdivision shall be in accordance with Stormwater Management Concept Plan, # 22245-2002-00.
 6. 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.
 7. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall

convey to the homeowners association (HOA) 114.17± acres of cluster open space land (Parcels A, B, C, D, E and G). Land to be conveyed shall be subject to the following:

- a. Conveyance shall take place prior to the issuance of building permits.
- b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
- c. All waste matter of any kind shall be removed from the property prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section or the entire project.
- d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse or similar waste matter.
- e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved detailed site plan or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures; tree removal, temporary or permanent stormwater management facilities, utility placement and 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. Storm drain 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. Storm drain 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.
- k. Submission of three original, executed Recreational Facilities Agreements (RFA) to DPR for approval three weeks prior to a submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County.
- l. Submission to DPR of a performance bond, letter of credit or other suitable financial

guarantee to secure construction of the recreational facilities on HOA lands, in an amount to be determined by DPR, at least two weeks prior to application for building permits.

8. At the time of final plat the applicant, his heirs, successors and/or assignees shall dedicate to The Maryland-National Capitol Park and Planning Commission Parcel F (10.19 acres). 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 that 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 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.

9. The DSP shall evaluate the relocation of Lots 1 and 2 Block A from the “fringe” of the development, in addition to evaluating the most appropriate location for open space windows throughout the development.
10. No building permits shall be issued for this subdivision until the percent capacity, as adjusted pursuant to the School Regulations, at all the affected school clusters are less than or equal to 105 percent or 6 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 whereby 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.
11. Prior to the issuance of building permits for proposed residential structures, the applicant shall submit certification by a professional engineer with competency in acoustical analysis to the Environmental Planning Section demonstrating that the design and construction of building shells within the noise corridor of Branch Avenue will attenuate noise to interior noise levels of 45 dBA (Ldn) or less.
12. Any abandoned well or septic system 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.
13. **MD 5 at Surratts Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency: provision of dual left-turn lanes along the northbound and the southbound approaches of MD 5.
14. **MD 5 at Brandywine Road and MD 5 at MD 373:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency: provision of an additional northbound and southbound through lane through both intersections.
15. **MD 223 at Old Branch Avenue/Brandywine Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances, (b) have been permitted for construction through the operating agency’s access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency: provision of the following physical and operational improvements on the intersection approaches:
 - a. Provide separate left-turn, through, and right-turn lanes along northbound Brandywine Road, with a needed widening along Brandywine Road south of MD 223 to receive two through lanes.
 - b. Reconfigure southbound Brandywine Road to provide an exclusive left-turn lane, an exclusive through lane, and a shared through/right-turn lane.
 - c. Provide an exclusive left-turn lane, an exclusive through lane, and a shared through right-turn along westbound MD 223.

- d. Provide an exclusive left-turn lane, two through lanes, and an exclusive right-turn lane along eastbound MD 223.
 - e. With the elimination of shared left-turn lanes along MD 223, convert the current split-phase signal operation along MD 223 to shared phase operation.
16. **Brandywine Road at Surratts Road:** Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the county's capital program, (b) have been permitted for construction through the operating agency's access permit process, and (c) have an agreed-upon timetable for construction with the appropriate operating agency: provision of the following physical and operational improvements on the intersection approaches:
- a. Provide separate through and right-turn lanes along northbound Brandywine Road extending to a point south of Thrift Road.
 - b. Provide two through lanes and an exclusive left-turn lane along southbound Brandywine Road.
 - c. Provide an exclusive left-turn lane and a shared right-turn/left-turn lane along westbound Surratts Road.
17. The final plat of subdivision shall carry a note that the subject property shall not have public or private access onto MD 5.
18. At the time of final plat approval, the applicant shall dedicate 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 and will include acceleration and deceleration lanes along southbound Brandywine Road, as well as a left-turn bypass lane along northbound Brandywine Road.
19. Prior to signature approval of the Preliminary Plan of Subdivision, the expanded buffer shall be revised and reviewed by the Environmental Planning Section to ensure that the delineation is correct.
20. The final plat shall reflect a conservation easement by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification. 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.”
21. Prior to the issuance of any permits which impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
22. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/22/99-01), 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.”

23. Prior to signature approval of the Preliminary Plan of Subdivision, the Preliminary Plan of Subdivision shall be revised to show the 65 dBA noise contour.
24. As part of the Detailed Site Plan, a combined Phase I and Phase II Noise Study shall be submitted. The study shall demonstrate that earthen berms, plant materials, fencing, and/or the establishment of a building restriction line shall provide adequate protection and screening from traffic nuisances. Adequate protection means that the interiors of all residential structures shall experience noise levels of 45 dBA Ldn or less and that all private outdoor activity areas and all HOA recreation facilities shall experience noise levels of 65 dBA Ldn or less.
25. Prior to signature approval of the Preliminary Plan of Subdivision, the Type I Tree Conservation Plan, TCPI/9/94-02, shall be revised to:
 - a. Replace the TCPI General Notes with the following:
 1. This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for 4-03003. The TCPI will be modified by a Type II Tree Conservation Plan in conjunction with the approval of a Detailed Site Plan.
 2. The Type II Tree Conservation Plan will provide specific details on the type and location of protection devices, signs, reforestation, afforestation, and other details necessary for the implementation of the Woodland Conservation Ordinance on this site.
 3. Significant changes to the type, location, or extent of the woodland conservation reflected on this plan will require approval of a revised Type I Tree Conservation Plan by the Prince George's County Planning Board.
 4. Cutting, clearing, or damaging woodlands contrary to this plan or as modified by a Type II Tree Conservation Plan will be subject to a fine not to exceed \$1.50 per square foot of woodland disturbed without the expressed written consent of the Prince George's County Planning Board or designee. The woodlands cleared in conflict with an approved plan shall be mitigated on a 1:1 basis. In addition, the Woodland Conservation replacement requirements ($\frac{1}{4}$:1, 2:1, and/or 1:1) shall be calculated for the woodland clearing above that reflected on the approved TCP.
 5. Property owners shall be notified by the developer or contractor of any woodland conservation areas (tree save areas, reforestation areas, afforestation areas, or selective clearing areas) located on their lot or parcel of land and the associated fines for unauthorized disturbances to these areas. Upon the sale of the property the owner/developer or owner's representative shall notify the purchaser of the property of any woodland conservation areas.
 6. Plans for stormwater management are contained in Conceptual Stormdrain Plan

#22245-2002-00 It is understood that final design plans for stormwater management will be approved prior to the approval of the Detailed Site Plan.

- b. The revised plan shall be signed and dated by the qualified professional who prepared the plan

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/22/99-01 AND VARIATION REQUEST TO SECTION 24-130