



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

Preliminary Plan 4-03080

| Application | General Data |
|--|---------------------------------------|
| Project Name: CHADDSFORD, SECTION 3 Location: Southwest quadrant of Chadds Ford Drive and General Lafayette Boulevard, approximately 1,000 feet west of Crain Highway. Applicant/Address: Washington Homes, Inc. 1802 Brightseat Road Landover, MD. 20785 | Date Accepted: 08/07/03 |
| | Planning Board Action Limit: 11/09/03 |
| | Plan Acreage: 29.86 |
| | Zone: R-M |
| | Lots: 132 |
| | Parcels: 7 |
| | Planning Area: 85A |
| | Council District: 09 |
| | Municipality: N/A |
| | 200-Scale Base Map: 219/220SE6/7 |

| Purpose of Application | Notice Dates |
|---|--|
| RESIDENTIAL SUBDIVISION FOR SINGLE-FAMILY DWELLING UNITS | Adjoining Property Owners: (CB-15-1998) N/A |
| | Previous Parties of Record: (CB-13-1997) N/A |
| | Sign(s) Posted on Site: 01/07/03 |
| | 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 4-03080
Chaddsford, Section 3
Lots 1-29, Block A; Lots 1-11, Block B; Lots 1-35 and 37-93, Block C; and Parcels A, B,
C, D, E, F and G

OVERVIEW

The subject property is located on Tax Map 154, Grid E-2 and is known as Outlot 4. This property was originally subdivided in accordance with preliminary plan of subdivision 4-96083 and recorded in Plat Book VJ 186 @ 64 (1999). The property is approximately 29.86 acres and zoned R-M. The applicant is proposing to resubdivide Outlot 4 into 132 lots and 7 parcels for the construction of single-family dwelling units. The application for this preliminary plan and the general notes on the plan indicate that 133 lots are proposed, even though the plan demonstrates 132.

Chaddsford Section 3 is part of the property originally known as Brandywine Village that was zoned M-A-C (212 acres) and R-M (65 acres), in 1977. The R-M zoned portion of the original Brandywine Village (65 acres) retains the R-M Zone and is known as McKendree Village, located northwest of the subject preliminary plan. McKendree Village is approved with 316 dwelling units (attached and detached). Chaddsford comprises the 212-acre portion of the property that had previously been zoned M-A-C. The Chaddsford property was rezoned in 1993 with the adoption of the Subregion V master plan and sectional map amendment to a combination of E-I-A, L-A-C and R-M zoned properties (Amendment 2, CR-60-93).

The R-M zoned portion of the Chaddsford development located west of General Lafayette Avenue is 149 acres and is proposed for attached and detached dwellings. The E-I-A Zone (46 acres) is proposed for office/light manufacturing business park and the L-A-C Zone (16.4 acres) is proposed for commercial neighborhood activity center. The E-I-A and L-A-C portions of the property are located east of General Lafayette Avenue and west of US 301. The entire Chaddsford development (212 acres) is subject to Comprehensive Design Plan CDP-0102.

The subject preliminary plan is approximately 29.83 acres of the 149-acre R-M zoned portion of the Chaddsford development (CDP-0102) and is located in the southwest quadrant of the intersection of General Lafayette Avenue and Chaddsford Drive. The approved CDP identifies single-family detached dwellings for development on this portion of the site. The approved CDP-0102 for the Chaddsford development contained development standards for only a small residential portion of the property, in the northwest corner of the site. That portion of the property is the subject of an approved specific design plan (SDP-0109) and was developed as an extension of the McKendree Village subdivision to the southwest. The 11 lots that are the subject of SDP-0109 have sole access from a stub street extending into the Chaddsford development from the McKendree Village subdivision (CDP-9202).

A revision to CDP (CDP-0102/01) is currently pending and provides the development standards for the R-M zoned portion of the Chaddsford development. Section 24-119(b)(2) of the Subdivision Regulations

requires that a preliminary plan of subdivision conform to the comprehensive design plan. Therefore, the approval of CDP-0102/01 is required prior to the approval of this preliminary plan of subdivision. This preliminary plan of subdivision must conform to the design standards established by CDP-0102/01. If the design standards proposed in CDP-0102/01 are amended by the Planning Board or District Council, a new preliminary plan of subdivision may be required based on the extent of the revisions to the CDP.

CDZ Amendment 2 (CR-60-93) of sectional map amendment for Subregion V establishes the land use quantities for the Chaddsford development and specifically in the R-M zoned portion of the property as follows:

| | |
|---|-------------|
| Gross Residential Acreage: | 149 acres |
| Less Half Floodplain Acreage: | 20 acres |
| Base Residential Acreage: | 129 acres |
| Base Residential Intensity (5.8 du/acre) | 748 units |
| Increment | 271 units |
| Max. Residential Intensity (7.9 du/acre)* | 1,019 units |

*The actual number of dwelling units will be determined during review of the comprehensive design plan on the basis of adjusted gross acreage in the CDP application, the approved development density, and the proposed public benefit features.

CDP-0102/01 proposes a development maximum of 580 dwelling units or 4.3 dwelling units per acre as proposed by the original comprehensive design plan. The subject preliminary plan proposes 132 dwelling units. Preliminary Plan 4-01045 for the extension from McKendree Village into the Chaddsford site proposed 11 dwellings, 9 of those dwellings will be constructed within the limits of CDP-0102/01. Therefore, if this preliminary plan is approved, the maximum allowable density remaining for the R-M zoned portion of the property is 437 dwelling units. The preliminary plan of subdivision should be revised to reflect this information.

SETTING

The subject property is located in the southwest quadrant of the intersection of General Lafayette Avenue and Chadds Ford Drive in Brandywine. The property to the north, northwest and east are zoned R-M, E-I-A and L-A-C, and are part of the Chaddsford Comprehensive Design Plan (CDP-0102), a mixed- use development. The properties to the south and southwest are zoned R-R and generally undeveloped.

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-M | R-M |
| Use(s) | Vacant | Single-family dwellings |
| Acreage | 29.86 | 29.86 |
| Lots | 0 | 132 |
| Outlots | 1 | 0 |
| Parcels | 0 | 7 |
| Dwelling Units: | | |
| Detached | 0 | 132 |

2. **Environmental**— The site is subject to the Woodland Conservation and Preservation manual because the site is greater than 40,000 square feet and contains more than 10,000 square feet of tree stand. The Planning Board approved TCPI/47/96 with Basic Plan A-9878. A revised Type I Tree Conservation Plan, TCPI/47/96-01, was approved with CDP-0102 and an additional revision, TCPI/47/96-02, is proposed as a companion to the pending revision to CDP-0102/01.

There are extensive areas of woodlands, streams, wetlands, 100-year floodplain, steep slopes, and severe slopes on this property. The principal stream on the site is a tributary of Mattawoman Creek in the Potomac River Watershed. According to the *Prince George's County Soil Survey* the soils found on the property include Bibb silt loam, Beltsville silt loam, Galestown gravelly loam, Keyport silt loam and Sassafras gravelly sandy loam. 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 lot. The property is in the Developing Tier according to the adopted *General Plan*.

Streams, wetlands, 100-year floodplains, and associated buffers are found throughout this property. At time of final plat, a conservation easement should be described by bearings and distances. The conservation easement should contain the expanded stream buffer, excluding those areas where variation requests have been approved.

During the review and approval of Preliminary Plan of Subdivision 4-96083, variations to Section 24-129 and Section 24-130 of the Subdivision Regulations were approved for the proposed impacts to streams, stream buffers, 100-year floodplain, wetlands and wetland buffers associated with road crossings for Chadds Ford Drive and General Lafayette Boulevard. The revised Comprehensive Design Plan, CDP-0102/01, proposes additional impacts that will require variation requests at the time of application of the appropriate preliminary plan that includes the impact. The concepts of these impacts, including the general locations and magnitude of impacts, are shown on the revised Type I Tree Conservation Plan, TCPI/47/96-02, pending with CDP-0102/01.

All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets, and so forth, which are mandated for public health and safety; non-essential activities are those, such as grading for lots, stormwater management ponds and parking areas which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

This preliminary plan application currently under review proposes impacts to stream buffers and wetland buffers. Impacts to these buffers are prohibited 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. The additional permit review will assure that the impacts are minimized and that there will be no detrimental effects to public safety, health, or welfare, or be injurious to other property. The three (3) variation requests, dated October 3, 2003, appear to be the minimum number required for the development of the site.

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 request #1 is for the installation of a sanitary sewer line to serve the development and will impact 48,074 square feet of expanded stream buffer. This connection has been shown on the Comprehensive Design Plan and is required by regulation to provide for the health, safety and welfare of the community. 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 #1.

Variation requests #2 and #3 are for the construction of two (2) stormwater management pond outfalls and will impact 4,744 and 4,000 square feet of expanded buffer respectively. These requests are intended to fulfill existing regulations regarding stormwater management. The details of construction will be reevaluated during the review of the Type II Tree Conservation Plan to further reduce impacts. The proposals are 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 #2 and #3.

Traffic-generated noise may impact portions of the property. US 301 is the eastern boundary of the subject property. The noise model used by the Environmental Planning Section predicts that the 65dBA noise contour is 531 feet from the centerline of US 301. This noise corridor will impact the L-A-C and E-I-A portions of the site but not the R-M zoned portion currently under review. General Lafayette Boulevard is designed as a Master Plan collector roadway and should not be a significant source of traffic-generated noise. Chadds Ford Drive is designed as a 70-foot access road and should not be a significant source of traffic-generated noise.

The Environmental Planning Section recommends approval of the variation requests for impacts to the expanded stream buffer.

3. **Community Planning**—The subject property is located within the limits of the 1993 Subregion V master plan, Planning Area 85A in the Brandywine community. This 29-acre site is recommended for high-suburban residential land use with up to 7.9 dwelling units per acre. A public stream valley park is also planned as part of a larger community development concept in the Brandywine Special Study Area (BSSA). The proposed preliminary plan is consistent with the recommendations in the master plan.

The 2002 General Plan locates the property in the Developing Tier. The General Plan identifies this property as a possible future Center (Brandywine) in the Developing Tier. The vision for the Developing Tier is to promote a contiguous growth pattern of low- to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. If designated as a Center, mixed residential and nonresidential uses at moderate to high densities and intensities are to be promoted. The proposed preliminary plan is consistent with this recommendation for a Center as part of the Chaddsford development.

As indicated by the applicant in the statement of justification for CDP-0102/01, the number of residential units for the project as a whole is substantially lower than the maximum density contemplated for this area when the master plan and the Basic Plan were approved in 1993. At that time, between 748 and 1,019 dwelling units were contemplated including both detached and attached single-family units and multifamily units. This applicant has proposed a larger proportion of single-family detached units, fewer single-family attached units, and no multifamily units for the project as a whole. Although at somewhat lower density overall, the proposed residential areas conform to residential areas recommended by the master plan. With respect to the proposed lower density, residential uses can be viewed as a result of changing market conditions as referenced in the master plan text. However, the applicant has not provided any information that the higher density residential land uses envisioned by the master plan are not viable in this area and should be considered with future development within the Chaddsford development.

4. **Parks and Recreation**—The staff of the Department of Parks and Recreation has reviewed the above referenced Preliminary Plan for conformance with the requirements of the Basic Plan A-9878, CDP-0102/01, the adopted Sectional Map Amendment for Subregion V, (District Council Resolution No. CR-60-1993), the Land Preservation and Recreation Program for Prince George's County and current zoning and subdivision regulations as they pertain to public parks and recreation.

The following is a summary of previously approved conditions and findings, which apply to park dedication and development:

Condition-2 of A-9878 states: “Conveyance of the stream valley of the tributary of Timothy Branch to MNCPPC as shown on Exhibit “B”.

Comment: The applicant shows that 100-year floodplain will be dedicated to M-NCPPC.

Condition-3 of A-9878 states: “Lands to be conveyed to the MNCPPC shall be subject to the conditions of attached Exhibit “A” as submitted by the Park Planning and Development Division.” Condition number 7 of the Exhibit “A” prohibits encumbrances of dedicated parkland for stormwater management facilities, or tree conservation or utility easements on the lands owned by or to be conveyed to The M-NCPPC without the prior written consent of the DPR.

Comment: The applicant proposes that the dedicated parkland be placed in tree conservation. This action does not conform to Condition number 7 of the Exhibit “A” in A-9878.

Condition-5 of A-9878 states: “The applicant shall construct an eight-foot wide hiker/biker trail in the above referenced stream valley park from the northern to the southern end of the subject property. The applicant shall provide whatever structures necessary to insure dry passage along the trail.”

Comment: The applicant shows the master planned trail on the dedicated parkland. The proposed storm water management outfall from Parcel G will cross the master planned trail before reaching the stream. The submitted plans are insufficient to determine the impact of the storm water outfall to the master planned trail and to the environmentally sensitive area of the parkland. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC and on recreational facilities on dedicated parkland. DPR should review and approve the location and design of these facilities at the time of review of the SDP.

The Department of Parks and Recreation recommends to the Planning Board that approval of the above-referenced preliminary plan subject to conditions.

5. **Trails**—One master plan trail impacts the subject site. The Subregion V master plan recommends a stream valley trail within the proposed M-NCPPC parkland along the tributary of the Timothy Branch. This stream valley trail will ultimately connect to the Timothy Branch Trail to the south and the planned trail along A-55 to the north. In addition to providing recreational opportunities for the residents of the subject site, the trail will also connect to a future library, elementary school, and park-and-ride within the Brandywine Special Study Area.

Due to the density of the subject application (4,000 and 5,000 square foot lots), standard sidewalks are recommended along both sides of all internal roads. It is recommended that these sidewalks be a minimum of five feet in width, per current Federal Highway Administration Standards (Designing Sidewalks and Trails for Access), and in conformance with the recently revised Department of Public Works and Transportation (DPW&T) road code.

CR-60-93 (A-9382) requires the construction of the stream valley trail by the applicant. Staff supports the alignment of the trail as agreed to by the Department of Parks and Recreation (DPR) and the applicant. This trail will provide the north to south stream valley trail envisioned in the master plan. The provision of the HOA trail on the opposite side of the lake (off of the subject site) will also provide the opportunity for a loop trail within the community.

Several feeder trails are recommended on the subject site. Feeder trails are recommended from the end of Road “B” and Road “C” to the master plan trail. These trails would link the residents at the end of these courts directly with the stream valley master plan trail on M-NCPPC property.

In conformance with the adopted and approved Subregion V master plan and approved preliminary plan 4-01045, the applicant and the applicant’s heirs, successors and/or assignees shall provide the following:

6. **Transportation**—The applicant prepared a traffic impact study dated March 2003 in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the guidelines.

The subject property is located within the Developed Tier and the Branch Avenue Metropolitan Center as defined in the 2002 General Plan. 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.

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

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- US 301/MD 5 and McKendree/Cedarville Roads (signalized)
- US 301/MD 5 and Chadds Ford Drive (future/signalized)

Existing traffic conditions were based on traffic counts done in 2002. Existing conditions within the study area are summarized as follows:

| EXISTING CONDITIONS | | | | |
|--|-----------------------------------|--------|------------------------------------|----|
| Intersection | Critical Lane Volume (AM & PM) | | Level of Service (LOS, AM & PM) | |
| US 301/MD 5 and McKendree/Cedarville Rds. | 1,278 | 1,835 | C | F |
| US 301/MD 5 and Chadds Ford Drive | | future | -- | -- |
| <p>*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. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.</p> | | | | |

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 2.5 percent annual growth factor for through traffic along US 301/MD 5. This is consistent with past studies in the area. It is also consistent with historical data.
- Background development in the area, including several million square feet of industrial development within Employment Area C, as defined in the Subregion V master plan and located on the opposite side of US 301/MD 5.

Background conditions are summarized as follows:

| BACKGROUND TRAFFIC CONDITIONS | | | | |
|--|-----------------------------------|-------|------------------------------------|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level-of-Service (LOS, AM & PM) | |
| US 301/MD 5 and McKendree/Cedarville Rds. | 1,918 | 2,564 | F | F |
| US 301/MD 5 and Chadds Ford Drive | 2,278 | 2,512 | F | F |
| <p>*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. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.</p> | | | | |

The traffic study analyzes the entire residential portion of the Chaddsford site, of which this subdivision is a part. The entire site is proposed to contain 580 residences, including 400 single-family residences and 180 townhouses, with a site trip generation would be 426 AM peak hour trips

(85 in, 341 out) and 504 PM peak-hour trips (328 in, 176 out). The current subdivision is well within those limits, with proposed development of 133 single-family residences 100 AM peak hour trips (20 in, 80 out) and 120 PM peak-hour trips (80 in, 40 out). Therefore, the following results are obtained under total traffic per the traffic study:

| TOTAL TRAFFIC CONDITIONS | | | | |
|--|-----------------------------------|-------|------------------------------------|---|
| Intersection | Critical Lane Volume (AM & PM) | | Level-of-Service (LOS, AM & PM) | |
| US 301/MD 5 and McKendree/Cedarville Rds. | 1,927 | 2,594 | F | F |
| US 301/MD 5 and Chadds Ford Drive | 2,411 | 2,665 | F | F |
| <p>*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. Delays of +999 are outside the range of the procedures, and should be interpreted as excessive.</p> | | | | |

In response to the inadequacies at both intersections within the study area, the applicant has indicated that the sole requirement is participation in the Brandywine Road Club. This is not really true, as the applicant will fund and construct the intersection of US 301/MD 5 and Chaddsford Drive, including the minor street approach, all turning lanes, and any needed signalization. Beyond these requirements, however, the traffic study states that additional north/south lanes along US 301/MD 5 are needed to address the inadequacies, and the study concludes by stating that such improvements are not reasonable. Therefore, the sole proffer made within the traffic study is the payment of money toward the Brandywine Road Club. In particular, Condition 13 within the portion of the Council resolution approving the Basic Plan for this site is important. This condition requires that the subject development participate in a road club to assist in funding the transportation improvements required for adequacy in the area. This lengthy condition sets the amount of payment for each type of land use. The condition also specifies a long list of improvements that are needed for adequacy in the area. The condition states that “the applicant’s sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment” of the appropriate road club fee. For single-family detached residences the fee is set at \$1,472, and for townhouses the fee is set at \$1,338 (with the fees to be adjusted for inflation). The applicant has indicated a willingness to pay the appropriate road club fees at the time of building permit. This condition should be carried forward in its entirety to ensure that it is given due consideration in future approvals.

Approval of the plan should be made conditional upon the assumed improvements at US 301/MD 5 and Chaddsford Drive, as may be modified by SHA to provide the same or better service levels at that location.

Both DPW&T and SHA have provided comments on the traffic study. The comments were provided in response to the referral for Comprehensive Design Plan CDP-0102/01, and they are summarized and explained below.

DPW&T had no comments beyond recommending that needed improvements at the access point along US 301/MD 5 be funded by the applicant.

SHA indicated that the Brandywine Road Club improvements have “insufficient funding” and have a construction schedule that “is not determinable.” In consideration of this, SHA indicates that this applicant must identify specific roadway improvements to address the traffic impact of the proposed development. However, by showing right-turn and left-turn lanes into the site from US 301/MD 5, along with an exclusive right-turn and dual left-turn lanes leaving the site, it appears that the traffic study has properly addressed the needed improvements to directly serve the site. SHA’s comments suggest that planning staff required that the traffic study determine any needed improvements in accordance with the Planning Board’s guidelines. In fact, the study was required to identify “improvements needed to serve the subject property as interim measures until the Road Club improvements are constructed.”

The subdivision plan is generally acceptable from the standpoint of access and circulation. In reviewing the initial submittal, one of the streets was recommended to be shown as a 60-foot street. The current plan has been modified, however, and the street widths are acceptable as shown.

This site was reviewed as Basic Plan A-9878 (CR-60-93), which was approved with several transportation-related conditions. The status of these conditions is summarized below:

A-9878 (CR-60-93):

Condition 13: This condition requires that the development participate in a road club to assist in funding the transportation improvements required for adequacy in the area. This lengthy condition sets the amount of payment for each type of land use. The condition also specifies a long list of improvements that are needed for adequacy in the area. The condition states that “the applicant’s sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment” of the appropriate Road Club fee. For single-family detached residences the fee is set at \$1,472, and for townhouses the fee is set at \$1,338 (with the fees to be adjusted for inflation). The applicant has indicated a willingness to pay the appropriate Road Club fees are paid at the time of building permit. This condition should be carried forward in its entirety to ensure that it is duly considered in future approvals.

Condition 14: This condition sets a trip cap on the site. During review of the CDP, it was determined that the cap would not be violated, and the current subdivision is a small part of the area of the CDP.

Conditions 15 and 16: These conditions require that adequate dedication be shown along certain master plan facilities within and adjacent to the site. The current site shows adequate dedication exists where needed.

Condition 17: This condition requires that the applicant provide needed signalization at the US 301/MD 5 and Chadds Ford Drive intersection. This condition is addressed by the recommended conditions of approval.

Condition 18: This condition provides for the potential future closure of the site’s access to US 301/MD 5 in the event that (a) other street connections are available and (b) SHA requests removal of the traffic signal at US 301/MD 5 and Chadds Ford Drive. This condition is not affected

by the current plan but should be carried forward to ensure that it is duly considered in future approvals.

Condition 19: This condition requires that three street connections shown on the Basic Plan be retained. All three street connections were present on the CDP, and are not compromised by the current subdivision.

Based on the above information, from the standpoint of transportation the submitted plan is in conformance to the approved Basic Plan.

The Comprehensive Design Plan CDP-0102/01 is being reviewed concurrently with the subject application, and the off-site transportation conditions of approval for the subject plan are identical to those recommended for CDP-0102/01. However, the CDP suggests two residential street connections from the subject property to the south and southwest. These connections were never included on any version of the preliminary plan. These connections were suggested but not required by a Basic Plan condition. However, the applicant has not attempted to address the lack of connections. Until this circulation issue is resolved, it is not completely possible to find that this plan is in conformance to the CDP.

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 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 | 142 sfd | 142 sfd | 142 sfd |
| Pupil Yield Factor | 0.24 | 0.06 | 0.12 |
| Subdivision Enrollment | 34.08 | 8.52 | 17.08 |
| Actual Enrollment | 4,452 | 4,598 | 8,393 |
| Completion Enrollment | 180 | 66 | 132 |
| Wait Enrollment | 20 | 15 | 29 |
| Cumulative Enrollment | 241.44 | 151.98 | 303.96 |
| Total Enrollment | 4,927.52 | 4,839.50 | 8,875 |
| State Rated Capacity | 4,175 | 5,114 | 7,752 |
| Percent Capacity | 118.02% | 94.63% | 114.49% |
| Funded School | N/A | N/A | N/A |

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

These figures are correct on the day the referral was written for this staff report. Other projects that are approved prior to the public hearing on this project may also cause changes to these figures. The numbers shown in the resolution of approval are the ones that apply to this project. The original application incorrectly indicated that the proposed number of dwelling units was 142.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts on existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

The school surcharge may be used for the construction of additional school facilities, which are expected to accommodate the new students that will be generated by this development proposal. The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the adequate public facilities policies of Section 24-122.02, CB-30-2003 and CB-31-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of fire and rescue facilities and concluded the following:
- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.25 minutes, which is within the 5.25 minute travel time guideline for Block A Lot 1; Block C Lots 1-4 and Lots 29-33. All other lots are beyond.
 - b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.71 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 5.71 minutes, which is within the 7.25-minute travel time guideline.

These 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*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed, the fire department requires that all residential structures be fully sprinklered 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.

9. **Police Facilities**—The proposed development is within the travel area for Police District V-Clinton. In accordance with Section 24-122.01(c) of the Subdivision Regulations of Prince George's County, the existing county's police facilities will be adequate to serve the proposed Chaddsford development. This police facility will adequately serve the population generated by the proposed subdivision.

The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of 6/30/2002, the county had 874 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for an additional 69 sworn personnel.

10. **Health Department**—The Health Department offered no comment.
11. **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 has been submitted but not yet approved. DER has indicated that the approval is forthcoming based on the submitted preliminary plan. To ensure that development of this site does not result in on-site or downstream flooding, this concept plan must be approved prior to signature approval of the preliminary plan. Development must be in accordance with this approved plan.
12. **CDP-0102/01**- The Subdivision Section has reviewed the Urban Design Section’s recommended standards for development within the Chaddsford CDP for single-family dwelling units. The following is applicable to the review of a preliminary plan of subdivision for lot standards:
- The minimum lot width at the street line shall be 40 feet. On cul-de-sacs the lot width may be measured at the front building line.

Subdivision Comment: Lots 33-35, 37-39 and Lots 78-79, Block C are located on cul-de-sacs and proposed to meet the minimum lot width of 40 feet at the front building line. The Zoning Ordinance defines the lot width at the front building line as a chord not an arc as delineated on the plan. The preliminary plan should be revised to accurately reflect the lot width as a chord.

- No more than 25 percent of the total number of single-family lots subject to CDP-0102/01 shall be less than 50 feet in width.

Subdivision Comment: The preliminary plan should be revised to reflect the percentage as proposed within this preliminary plan.

- The remaining lots shall be 50 feet or more in width, with no less than 25 percent of the total number of lots at least 60 feet in width.

Subdivision Comment: The preliminary plan should be revised to reflect the percentage as proposed within this preliminary plan.

- Not more than twenty 36-foot-wide lots within CDP-0102/01 are permitted and shall be permitted only if the applicant demonstrates to the satisfaction of the Planning Board at the time of review of the SDP that the proposed dwellings on those lots have a superior architectural design.

Subdivision Comment: The applicant has proposed Lots 17 thru 26, Block C with lot widths of 36 feet at the front street line. Prior to approval of the final plat, the applicant should demonstrate the approval of the architectural elevations for Lots 17-26, Block C justifying the reduced lot width at the front street line. If the architecture is not approved, the preliminary plan should be revised to provide otherwise permitted lot widths.

The Urban Design Section (Srinivas to Chellis, January 8, 2004) offers the following comments: “Based on the Urban Design Section’s review of the above preliminary subdivision plan application, we offer the following findings, comments and recommendations:

The subject preliminary plan application is for 133 lots and 7 parcels in the southern portion of the property encompassed by CDP-0102/01 on 29.86 acres. CDP-0102/01 proposes a total of 580 lots. The CDP application is scheduled for a Planning Board public hearing on January 22, 2004. Staff will be recommending the following as conditions of approval of CDP-0102/01, which will be applicable to the subject Preliminary Plan 4-03080:

- a. The minimum lot width (at the street line, unless indicated otherwise) for the proposed lots in the development shall be 40 feet. No more than 25 percent of the total number of single-family lots in the development may be less than 50 feet in width. The rest of the lots shall be 50 feet or more in width, with no less than 25 percent of the total number of lots at least 60 feet in width. (On cul-de-sacs the lot width may be measured at the building line).
- b. A minimum side setback of five feet shall be provided for all lots
- c. Notwithstanding a. above, no more than twenty 36-foot-wide lots for the total development shall be allowed, but only if the applicant demonstrates to the satisfaction of the Planning Board prior to approval of the applicable specific design plan that the proposed houses on those lots have a superior architectural design. In the absence of such a finding by the Planning Board, all 36-foot-wide lots shall be increased to at least 40 feet wide, and shall be subject to the 25 percent limit in a. above.

The subject preliminary plan as proposed meets the minimum lot width requirements recommended by the above conditions. The proposal is subject to the requirements of Section 4.1, Section 4.6 and Section 4.7 of the *Landscape Manual*. The landscape buffers should be proposed on the HOA land and not on the lots. Staff recommends the following conditions of approval for the subject preliminary plan of subdivision application:

- a. The specific design plan shall include landscape buffers that meet the requirements of Section 4.1, Section 4.6 and Section 4.7 of the *Landscape Manual*. The landscape buffers shall be provided on HOA land.
- b. Prior to signature approval of the preliminary plan of subdivision, notes shall be added that reflect the total number of 40-foot lots, 50-foot-lots and 60-foot-lots in the entire development and the total number of 40-foot lots, 50-foot-lots and 60-foot-lots in the subject preliminary plan of subdivision.”

13. **CR-60-1993, CDZ Amendment 2:** The following conditions are applicable to the review of this preliminary plan and discussed in general terms:

Condition (2)(A) and (B) Land Use Type and Quantities: The proposed preliminary plan is consistent with the recommended land use type and quantities as described in the Overview section of this report.

Condition (2)(C): Land Use Relationships: Requires the conveyance of the stream valley to M-NCPPC. The applicant has proposed to convey Parcel F (4.96 acres) to M-NCPPC as part of this preliminary plan of subdivision. Parcel F includes the entire stream valley located within Chaddsford Section 3 and is consistent with the recommendations of the DPR.

Condition (4) requires that the applicant provide private recreational facilities in accordance with the standards outlined in the Park and Recreational facilities guidelines. Recreational facilities will be provided in accordance with the recommendations of CDP-0102/01 and will be sited at the time of specific design plan. The tentative recreational facilities proposed with CDP-0102/01 for this site include a sitting area, pre-teen playground and access to an internal trail system that will be integrated into the overall Chaddsford development. Parcel G (2 acres) is proposed with a swimming pool, tennis court, picnic area, tot-lot and community center.

Condition (5) requires that the applicant construct an eight-foot-wide hiker/biker trail in the stream valley park and provide whatever structures necessary to ensure dry passage. The applicant has proposed the trail location consistent with CDP-0102/01 along the eastern edge of Parcel F. Detailed construction drawings will be required at the time of review of the SDP to ensure conformance.

Condition (6) requires that sensitive natural features be preserved as amenities that help to define the pattern of neighborhoods. The preliminary plan proposes to preserve the stream valley and associated buffers.

Condition (10) recommends single-family development pod density at 1.6 to 2.6 dwelling units per gross acre. The preliminary plan proposes 2.2 dwelling units per gross acre.

Condition (11) requires a local road network with convenient access between all uses and to the regional road system. The proposed preliminary plan is developed on the south side of Chaddsford Drive, a main spine road within the subdivision with easy access to General Lafayette Avenue and US 301. However, the Department of Public Works and Transportation (DPW&T) in its referral dated December 22, 2003, states:

“The subdivision plan shows three proposed subdivision roadways, A, B and C, within a 500 foot section of Chaddsford Drive. The plan is to be revised to reduce the number of roadways to two for traffic safety. Therefore, the plan needs to be revised to show only two roadways (two access points) and to be resubmitted to DPW&T for review and approval.”

The applicant must submit evidence from DPW&T that this requirement has been waived or the preliminary plan must be revised to reflect this condition. A new preliminary plan may be required to reflect this condition depending on the extent of change to the layout.

In addition, DPW&T requires:

“The proposed centerline radius for Court D is 265 feet. This does not meet county criteria; therefore, the plan is to be revised and resubmitted to DPW&T for review and approval.”

Staff has received evidence from DPW&T that a waiver from this requirement has been granted.

Condition (12) requires that hiker/biker trails provide linkage between all parts of the community, employment areas and the stream valley park. The proposed subdivision provides direct access to the stream valley park. In addition, other secondary and primary trail connections are proposed for this site. Refinement of the trail type and location shall be determined at the time of review of the SDP. The preliminary plan provides conceptual alignments.

Condition (13) relates to the applicant responsibility for contribution to off-site transportation improvements as discussed in Finding 6 of this report.

Condition (14) establishes a trip cap for development as discussed in Finding 6 of this report.

Condition (20a) requires that a 10-acre school site be provided within the Chaddsford development. A tentative location has been selected as delineated on the proposed CDP-0102/01, which does not include property within the subject application.

Condition (21) requires an open space network throughout the development. The proposed preliminary plan is consistent with the recommendations of the CDP for open space.

Condition (22) requires a complete pedestrian circulation system. The proposed preliminary plan is consistent with the recommendations of the CDP.

Condition (23) requires that possible connections with adjacent properties be provided. CDP-0102/01 plan map proposes connections from Chaddsford Section 3 to the property to the south and another connection to the southwest. The proposed preliminary plan does not provide these connections. The applicant has not addressed this condition nor provided evidence as to why the connection is not appropriate. Absent any specific findings the preliminary plan lot layout should be revised to provide appropriate connections. A substantial revision to the preliminary plan could require a new preliminary plan of subdivision.

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 and available density in the Chaddsford development (CDP-0102/01).
 - b. To revise the general notes to reflect 132 lots not 133.
 - c. To provide dimensions on the access windows to Parcel B.
 - d. To provide a general note relating to the conditions of the CDP that establish lot standards as approved by the Planning Board.
 - e. To dimension the lot width at the front building line on Lots 33-35, 37-39 and Lots 78-79, Block C and provide the width as a chord not an arc.
 - f. To provide the Stormwater Management Concept Plan number and approval date.
2. Prior to approval of the final plats that contain Lots 17-26, the applicant shall demonstrate the approval of the architectural elevations proposed for Lots 17-26, Block C for the reduced lot width at the front street line. If the Planning Board does not approve the architectural elevations the applicant

shall delete the lots necessary to maintain the minimum lot width at the front street line.

3. Prior to signature approval the applicant shall demonstrate that DPW&T has granted a waiver from the requirement that the number of access points onto Chaddsford Drive from this subdivision be reduced to two, in lieu of the current proposal of three. Failure to obtain a waiver could result in the requirement for a new preliminary plan of subdivision.
4. Prior to signature approval of the preliminary plan, the applicant shall provide justification for the lack of connections required by Condition 25, CR-60-1993 and recommended by CDP-0102/01. Failure to provide adequate justification could result in the requirement for a new preliminary plan of subdivision to demonstrate the appropriate connections.
5. The final plat shall demonstrate the lot width at the front building line on Lots 33-35, 37-39 and Lots 78-79, Block C, at 40 feet as a building restriction line.
6. Development shall be in conformance with the approved Stormwater Management Concept Plan.
7. The applicant, his heirs, successors and/or assignees shall construct the master plan stream valley trail per DPR standards at the location agreed to by the applicant and DPR. The applicant shall provide whatever structures necessary to provide dry passage along the trail. Timing for the construction and bonding of the trail shall be in accordance with the recommendations of CDP-0102/01.
8. 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.
9. The applicant, his heirs, successors and or assignees shall provide six-foot-wide asphalt feeder trails from the southern portion of the stream valley trail to the end of Road B and C.
10. Prior to 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.
11. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association (HOA) 6.73± acres of 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 specific design 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. 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.
12. The applicant, his heirs, successors and/or assignees shall submit three original Recreational Facilities Agreements (RFA) to DRD for approval prior to the submission of final plats, for construction of recreational facilities on homeowners land. Upon approval by the DRD, the RFA shall be recorded among the County Land Records.
 13. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee prior to building permits or in accordance with the conditions established by CDP-0102/01 whichever comes first, for the construction of recreational facilities on homeowners land.
 14. The applicant, his heirs, successors and/or assignees shall submit to the Park Planning and Development Division three original Recreational Facilities Agreements (RFA) for construction of recreational trail facilities on park property. The RFA shall be approved prior to the approval of final plats or in accordance with the conditions established by CDP-0102/01 whichever comes first. Upon approval by the PP&D, the RFA shall be recorded among the County Land Records and noted on the final plat of subdivision.
 15. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DPR prior to building permits or in accordance with the trigger established by CDP-0102/01, whichever comes first, for the construction of recreational facilities on park property.
 16. 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 5.3± acres (Parcel F) as delineated on DPR staff Exhibit A. 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 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, the 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. The DPR shall review and approve the location and design of these facilities. The 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. The 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 the DPR. The DPR shall review and approve the location and/or design of these features. If such proposals are approved by the DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits. The applicant shall revise the tree conservation plan to remove tree conservation requirements being shown on land to be dedicated to M-NCPPC.
 - 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.
17. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
18. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince

George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the R-M portion 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 $\$1,472 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;
- For each single-family attached unit, a fee calculated as $\$1,338 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$;
- For each multifamily unit, a fee calculated as $\$999 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$.
- For development on the L-A-C and E-I-A portions of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of a fee calculated as $\$1.24 \text{ per gross square foot of space} \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$.
- The total fee to be paid shall not exceed an amount calculated as $\$1,719,946.04 \times (\text{Engineering News-Record Highway Construction Cost index at time of payment}) / (\text{Engineering News-Record Highway Construction Cost Index for first quarter, 1993})$.

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

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

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/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 that 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.
19. 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:
- a. Along US 301/MD 5 at Chadds Ford Drive, provide southbound acceleration and deceleration lanes as well as a northbound left-turn lane.
 - b. Along Chadds Ford Drive at the approach to US 301/MD 5, provide an exclusive right-turn lane and dual left-turn lanes.
 - c. Install a traffic signal at US 301/MD 5 and Chadds Ford Drive at the time it is deemed necessary by SHA.
20. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan, and removal of the signal is required as directed by SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant and/or the applicant's heirs, successors, or assignees.
21. Prior to signature approval of the Preliminary Plan, TCPI/46/97-02 shall be approved.
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/46/97-02), 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. At time of final plat, a conservation easement shall be described 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."

24. 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.
25. Detailed construction drawings for master planned trail construction shall be submitted to DPR for review and approval prior to submission of the Specific Design Site Plan. They shall include a grading plan; show limits of disturbance and construction details.
26. The DPR staff shall review and approve the location and design of the storm water management facilities on dedicated parkland at the time of the Specific Design Plan review.
27. A Type II Tree Conservation Plan shall be approved at the time of Specific Design Plan.

STAFF RECOMMENDS APPROVAL OF A VARIATION TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.