



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

Preliminary Plan 4-05073

Application	General Data
Project Name: SURRATTS CROSSING Location: Northeast quadrant of Brandywine Road and Surratts Road. Applicant/Address: Marrick Properties 3150 West Ward Road, Suite #401 Dunkirk, MD. 20754	Date Accepted: 10/18/05
	Planning Board Action Limit: 01/11/06
	Plan Acreage: 25.07
	Zone: R-80
	Lots: 50
	Parcels: 1
	Planning Area: 81A
	Tier: Developing
	Council District: 09
	Municipality: N/A
	200-Scale Base Map: 213SE06

Purpose of Application	Notice Dates
SINGLE-FAMILY RESIDENTIAL SUBDIVISION	Adjoining Property Owners Previous Parties of Record Registered Associations: 08/2/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/06/05

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 4-05073
Surratts Crossing Lots 1-50, Parcel A

OVERVIEW

The property was the subject of Preliminary Plan 4-04183, which was disapproved by the Planning Board on April 28, 2005, due to failure to meet the required adequacy of police, fire and rescue services (PGCPB Resolution 05-14). Prior to the Planning Board's action and with the review of that preliminary plan, several issues were brought to the attention of the applicant.

Originally, the applicant proposed to remove all of the existing woodland along the property's frontage with Brandywine Road and Surratts Road. Staff requested that the applicant preserve the woodland to provide a buffer along the property's frontages. The second issue related to the lack of on-site recreational facilities, and third was an adjustment of a minor lotting pattern to accommodate more appropriate house sitings.

The preliminary plan submitted with this application addresses all of the staff concerns mentioned above. The applicant has shifted the stormwater management facilities on Parcel A (7.62 acres) to the northeast, allowing for the preservation of a substantial buffer along the property's frontage with Brandywine Road and Surratts Road. The applicant has provided an exhibit of Parcel A demonstrating the provision of private on-site recreational facilities, and the minor lotting pattern adjustment has occurred between Lots 15 and 16 creating a more desirable relationship.

The property is located on Tax Map 116, D-4 and is known as Parcels 75 and 76, and Lots 1, 2 and 3. Parcels 75 and 76 are acreage parcels never having been the subject of a record plat. Lots 1 and 2 are the subject of record plat WWW 38@62, recorded in the county land records in 1960. Lot 3 is the subject of record plat NLP 108@100, recorded in the county land records in 1981. There are several existing dwellings and outbuildings located on the property. All of the existing structures are to be razed.

The property is approximately 25.07 acres and is zoned R-80. The applicant is proposing to subdivide the property into 50 lots and one parcel for the construction of single-family dwelling units in accordance with the conventional standards for the R-80 Zone. The minimum lot size in the R-80 Zone is 9,500 square feet. However, the applicant is proposing Lot 40 with only 9,280 square feet, which does not meet the minimum standard in the zone. Staff brought this to the attention of the applicant, who has provided staff with "Applicant's Exhibit A" that proposes minor adjustments to the lotting pattern to bring all of the lots into conformance with the R-80 Zone standards, including Lot 40. Staff is recommending that prior to signature approval of the preliminary plan, it be revised in accordance with the "Applicant's Exhibit A."

SETTING

The property is located in the northeast quadrant of the intersection of Brandywine Road and Surratts Road. The Oak Orchard West subdivision, developed with single-family dwellings, and the Outreach Christian Center abut the north property line and are zoned R-80. To the east is the Oak Orchard East subdivision zoned R-80, developed with single-family dwelling units. To the southwest across Surratts Road is property owned by the Grace Brethren Church of Clinton, which is developed.

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-80
Use(s)	Residential	Single-family dwellings
Acreage	25.07	25.07
Lots	3	50
Parcels	2	1
Dwelling Units:		
Detached	2 (to be razed)	50 (new)

2. **Environmental**—The Environmental Planning Section previously reviewed Preliminary Plan 4-04183 and TCPI/96/04 for the subject property. The Environmental Planning Section has reviewed the revised Preliminary Plan of Subdivision for Surratts Crossing, 4-04183, the revised forest stand delineation, and the revised Type I Tree Conservation Plan, TCPI/96/04, accepted for processing on October 10, 2005. The Environmental Planning Section supports the variation requests for impacts to sensitive environmental features for the reasons stated in this memorandum and recommends approval of 4-05073 and TCPI/96/04 subject to the conditions listed at the end of this memorandum.

This 25.07-acre property in the R-80 Zone is located in the northeast quadrant of the intersection of Brandywine Road and Surratts Road. There are streams, wetlands and 100-year floodplain on the property associated with Piscataway Creek in the Potomac River watershed. According to the “Prince George’s County Soils Survey,” the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown and Sassafras series. Marlboro clay does not occur in the area. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, rare, threatened, or endangered species do not occur in the vicinity of this property. No designated historic or scenic roads are affected by this proposal. There are no nearby sources of traffic-generated noise. The proposal is not expected to be a noise generator. This property is located in the Developing Tier as reflected in the adopted General Plan.

An approved natural resources inventory (NRI), NRI-47-05, was submitted with the application. A forest stand delineation (FSD) was submitted for review with the NRI. The FSD describes two forest stands totaling 7.10 acres and two specimen trees. All wetlands, streams and soil boundaries are shown.

Forest stand “A” covers approximately 3.74 acres in the northeastern portion of the site. The woodland is dominated by mixed hardwood trees that are in the range of 6- to 10-inches diameter

at breast height. The understory includes American holly and some invasive plants. The priority preservation area of this stand is associated with the stream and wetlands.

Forest stand "B" covers approximately 3.36 acres in the northwestern portion of the site. The woodland is dominated by red maple, river birch and sweet gum that are in the range of 10- to 18-inches diameter at breast height. The understory includes American holly and some invasive plants. The priority preservation area of this stand is associated with the stream and wetlands.

This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. For the purposes of this review, these areas include all of the expanded stream buffer and any isolated sensitive environmental features.

The NRI, TCPI and preliminary plan show the stream, the 100-year floodplain, and wetlands. All areas with severe slopes and all areas with steep slopes containing highly erodible soils are appropriately patterned. A wetland report containing all necessary information was submitted with the application. The TCPI and preliminary plan show the required 50-foot stream buffers, 25-foot wetland buffers, and the expanded stream buffers. The plan appropriately refrains from placing a conservation easement on any lot.

The plan proposes impacts to environmental features that are required to be protected by Section 24-130 of the Subdivision Regulations. The design should avoid any impacts to streams, wetlands, or their associated buffers unless essential for the development as a whole. Staff will generally not support impacts to sensitive environmental features that are not associated with necessary road construction or the installation of public utilities.

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; nonessential activities are those such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

Two variation requests, dated March 29, 2005 were submitted. Impact 1 is for the installation of a stormwater management pond outfall. Impact 2 is for the connection of the proposed development to the existing sanitary sewer line located within the expanded stream buffer.

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:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

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

The installation of a stormwater management pond and a sanitary sewer connection are required by other regulations to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

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

The only available sanitary sewer main to serve development of this property is wholly located within an expanded stream buffer. Many other properties can connect to existing sanitary sewer without requiring a variation; however, that option is not available for this particular site. Not all properties require the use on on-site ponds to fulfill stormwater management requirements.

- (3) The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of a stormwater management pond and a sanitary sewer connection are required by other regulations. The permit review process will ensure that the proposed impacts are not a violation of any other applicable law, ordinance or regulation.

- (4) Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The location of the existing sewer main provides no alternative for the connection of the sanitary sewer lines that are required to serve the development. Without the sewer connection, the property could not be developed with any single-family residential structures. There are soils on the site that are not suitable for infiltration. An on-site stormwater management pond is required to develop the site at a density much less than that permitted in the R-80 Zone.

Staff recommends approval of the variation requests for the reasons stated above.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because the gross tract area of the property is greater than 40,000 square feet and there is more than 10,000 square feet of existing woodland.

The Type I Tree Conservation Plan, TCPI/96/04, has been reviewed. The plan proposes clearing 3.24 acres of the existing 5.72 acres of upland woodland and the clearing of 0.04 acre of the existing 1.38 acres of woodland within the 100-year floodplain. The woodland conservation threshold for this site is 4.74 acres. The woodland conservation requirement has been correctly calculated as 7.28 acres. The plan proposes to meet the requirement by providing 2.35 acres of on-site preservation and 4.93 acres of off-site conservation, for a total of 7.34 acres.

The plan focuses on preserving the stream valley and avoiding encumbering individual lots with woodland conservation. Both of these design elements further the goals of the Woodland Conservation Ordinance. From a regional viewpoint, the stream is not part of a significant corridor because it is piped for a significant length not far downstream from the subject property.

There is one minor change deemed necessary. The proposed woodland conservation on Lot 2 and Lot 3 is essentially isolated by clearing for the development of the lots, installation of the sanitary sewer connection, and existing sanitary sewer easement. This fragment does not contribute to the goals of the Woodland Conservation Ordinance and is an unnecessary encumbrance on the lots.

According to the Prince George's County Soils Survey, the principal soils on this site are in the Aura, Beltsville, Bibb, Croom, Galestown and Sassafras series. Aura soils only pose problems for development when associated with steep and severe slopes. Beltsville soils are highly erodible, may have a perched water table, and are in the C-hydric group. Bibb soils are associated with floodplains. Galestown and Sassafras soils pose no special problems for development. This information is provided for the applicant's benefit. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003, and will, therefore, be served by public systems.

3. Community Planning—The subject property is located in the northeast quadrant of the intersection of Brandywine Road and Surratts Road in Planning Area 81A, in the Clinton community. In the 2002 *Approved General Plan* for the Prince George's County placed the subject property in the Developing Tier. One of the visions 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. The proposed preliminary plan is consistent with the recommendations of the General Plan, in maintaining a moderate density suburban neighborhood.

The 1993 approved Subregion V master plan recommends suburban residential land use at up to 3.5 dwelling units per acre. The 1993 Subregion V sectional map amendment (SMA) classified this property in the R-80 Zone. This application proposes 50 residential lots, which generally conform to the land use recommendations in the plan. The proposed preliminary plan is consistent with the recommendations of the master plan.

4. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, staff recommends that the applicant provide private on-site recreational facilities on Parcel A for the fulfillment of the requirement for the mandatory dedication of parkland. The recreational facilities should in accordance with the *Parks and Recreation Facilities Guidelines*.
5. **Trails**— The adopted and approved Subregion V Master Plan designates Brandywine Road as a master plan trail/bike corridor. Currently, the majority of the road is open section with no sidewalks in the vicinity of the subject site. However, a standard sidewalk has been included in some areas where road frontage improvements have been made. Staff recommends the provision of a standard sidewalk and one “Share the Road with a Bike” sign along the subject site’s frontage of Brandywine Road, per the concurrence of DPW&T. If additional improvements are required, staff encourages the provision of a wide asphalt shoulder or outside curb lane to accommodate bicycle traffic.

A variety of road cross sections are utilized in the vicinity of the subject site. The Oak Orchard West community to the north includes sidewalks along both sides of all internal roads. However, most of the adjoining Oak Orchard subdivision to the east, which is proposed to connect to the subject site, has open section roads with no sidewalks. Craig Lane, which is partially constructed and will continue into the subject site, is open section with no sidewalks. The subject property is to be developed with 50-foot-wide rights-of-way and with a suburban residential density. The provision of standard sidewalks along both sides of all internal public roads is recommended.

6. **Transportation**—The applicant prepared a traffic impact study dated March 2005 in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. The study was prepared in support of a previous application that was subsequently withdrawn. The study was referred to the county Department of Public Works and Transportation (DPW&T) and the State Highway Administration (SHA), and the comments of these agencies have been taken into consideration. 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*.

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 this site examined the site impact at three critical intersections:

MD 5/Surratts Road (signalized)
Brandywine Road/Surratts Road (signalized)
Surratts Road/site access (unsignalized)

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	1,615	1,424	F	D
Brandywine Road and Surratts Road	1,398	1,448	D	D
Surratts Road and site access	future		--	--
*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 12 properties in the vicinity of the subject property. Background conditions also assume through traffic growth of 2.0 percent annually along MD 5. Background conditions also assume the widening of Surratts Road between Beverly Avenue 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. While this improvement has an unusually long history of full funding in the CIP without being constructed, there are actions being taken to commit county and developer funding to get this improvement constructed soon. This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road is anticipated to 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 in both peak hours. Background conditions are summarized below:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,861	1,659	F	F
Brandywine Road and Surratts Road	1,151	838	C	A
Surratts Road and site access	future		--	--
*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 50 single-family detached residences. The site trip generation would be 38 AM peak-hour trips (8 in, 30 out) and 46 PM peak-hour trips (30 in, 16 out).

The site trip distribution and assignment used in the traffic study have been reviewed in light of traffic conditions that exist in the area and are determined to be appropriate and consistent with past applications in the area. With the trip distribution and assignment as assumed, the following results are obtained under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
MD 5 and Surratts Road	1,871	1,668	F	F
Brandywine Road and Surratts Road	1,154	845	C	A
Surratts Road and site access	21.2*	25.3*	--	--
*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.				

It is noted that the traffic study computed the critical lane volume (CLV) at the Surratts Road/site access intersection. It is also noted that the traffic study proposes stop control, not signal control, at this intersection. For that reason, this intersection has been reanalyzed using the Highway Capacity Manual unsignalized intersection method as prescribed by the guidelines.

Given these analyses, the MD 5/Surratts Road intersection would operate unacceptably in at least one peak hour. Furthermore, another intersection, the Brandywine Road/Surratts Road intersection, requires further discussion below:

MD 5/Surratts Road

In response to the inadequacy at the MD 5/Surratts Road intersection, the applicant has proffered mitigation. This intersection is eligible for mitigation under the fourth criterion in the *Guidelines*

for Mitigation Action (approved as CR-29-1994). The applicant provided two options for improving operations at the MD 5/Surratts Road intersection. SHA reviewed the first option, to provide two left-turn lanes along both the southbound and the northbound approaches of MD 5, and stated that another developer in the area has financially committed to constructing this improvement. As a result, the same action is not currently eligible for consideration. However, SHA did express support for the second option, which involves (1) restriping an existing eastbound through lane to become a shared through/left-turn lane, and (2) adding a new westbound shared through/left-turn lane. 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/1,861	E/1,659		
Total Traffic Conditions		F/1,871	E/1,668	+10	+9
Total Traffic Conditions w/Mitigation		E/1,792	D/1,639	-79	-29

The options for improving this intersection to LOS D, the policy level of service at this location, are very limited. Additional through lanes along MD 5 through the intersection would not be effective; MD 5 is essentially two through lanes northbound and southbound at this location, but already widens to a third through lane northbound and southbound through the intersection. The west leg of Surratts Road has four approach lanes with a channelized right-turn lane; the east leg has three approach lanes, also with a channelized right-turn lane. The only identifiable improvement that would result in LOS D operations at this location would be the construction of the planned MD 5/Surratts Road interchange. This interchange was included in an environmental study of the MD 5 corridor by SHA, but there has been no funding to date for design, right-of-way acquisition, or construction.

As the CLV at MD 5/Surratts is above 1,813 during the AM peak hour, the proposed mitigation actions must mitigate at least 100 percent of the trips generated by the subject property, and the actions must reduce the CLV to no worse than 1,813 during either peak hour, according to the guidelines. The above table indicates that the proposed mitigation action would mitigate at least 100 percent of site-generated trips during the AM peak hour. This table also indicates that the resulting CLV under total traffic with the mitigation improvements is 1,813 or less in the AM peak hour. As the CLV at MD 5/Surratts is between 1,450 and 1,813 during the PM peak hour, the proposed mitigation must mitigate at least 150 percent of the trips generated by the subject property. The table indicates that the proposed mitigation action would mitigate 311 percent of the trips generated by the subject property. **Therefore, the applicant'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.**

As noted earlier, SHA does concur with the mitigation that is proposed (i.e., the second option shown in the traffic study). DPW&T offered no comment on the mitigation action. Given past actions by the Planning Board regarding mitigation proposals in this area, this appears to be a circumstance in which the Planning Board should seriously consider the use of mitigation, and

the recommendation will include the applicant's proffer of the mitigation actions as a condition of approval for this application.

Brandywine Road and Surratts Road

The CIP improvement for Surratts Road is, in fact, fully funded in the CIP, but the full funding is contingent upon developer contributions. The needed improvements at this location include the following:

- a. The widening of Surratts Road to two lanes in each direction between Beverly Avenue and Brandywine Road.
- b. The widening of Brandywine Road to two lanes in each direction between Surratts Road and Thrift Road.
- c. The improvement of the Brandywine Road/Surratts Road intersection to include separate through and right-turn lanes along northbound Brandywine Road, an exclusive left-turn lane along southbound Brandywine Road, and an exclusive left-turn lane and a shared right-turn/left-turn lane along westbound Surratts Road.

These improvements have long been planned by DPW&T, and they are advancing due to the formation of a partnership between DPW&T and several developers along Brandywine Road. The partnership would serve to fund and assist in constructing the improvements needed for adequacy. It is essential for adequacy that the subject property be conditioned on these improvements and with the likelihood of participation in their funding and construction.

As noted earlier, SHA concurs with the report findings. DPW&T requested that the developer provide contributions toward a realignment of Surratts Road to the east of MD 5. DPW&T notes that the county has identified this realignment as a safety and improvement project. While DPW&T should be generally supported in obtaining funding toward needed projects, there are two issues with this request: (1) the current Capital Improvement Program includes only the section of Surratts Road between Beverly Avenue and MD 5 (i.e., west of MD 5); without a budget item, a cost, and a portion of the cost that is to be paid by new development, planning staff has no basis to assign a contribution to any development in the area; and (2) the traffic study only distributes 5 percent of site traffic (2 AM and 2 PM peak-hour trips) to Surratts Road east of MD 5—this impact is defined by the guidelines as de minimus, and because it serves less than 20 percent of site traffic the link of Surratts Road east of MD 5, could not be considered critical by the Planning Board in any event.

Brandywine Road is a master plan collector, and correct dedication of 40 feet from centerline is reflected on the subject plan.

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 this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 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	50 sfd	50 sfd	50 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	12.00	3.00	6.00
Actual Enrollment	4,206	4,688	8,866
Completion Enrollment	112.80	69.06	136.68
Cumulative Enrollment	99.36	41.40	82.80
Total Enrollment	4,430.16	4,801.46	9,091.48
State-Rated Capacity	4,215	5,114	7,752
Percent Capacity	105.10	93.89	117.28

Source: Prince George's County Planning Department, M-NCPPC, December 2004

These figures were correct on the day the referral memo was written. They are subject to change under the provisions of CB-30-2003 and CR-23-2003. Other projects that are approved prior to the public hearing on this project will cause changes to these figures. The numbers shown in the resolution of approval will be the ones that apply to this project.

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount 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 an 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. Council bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$7,412 and 12,706 to be a paid at the time of issuance of each building permit.

The school surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

The Historic Preservation and Public Facilities Planning Section staff finds that this project meets the public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003 and CR-23-2003.

8. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(B)(E) of the Zoning Ordinance.

The Prince George's County Planning Department has determined that the subject property is within the required seven-minute response time for the first due fire station Clinton Company 25, using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire Department.

The Fire Chief has reported that the current staff complement of the Fire Department is 704 (101.73 percent), which is above the staff standard of 657 or 95 percent of authorized strength of 692 as stated in CD-56-2005.

The Fire Chief has reported by letter, dated 11/01/05, that the department has adequate equipment to meet the standards stated in CB-56-2005.

9. **Police Facilities**—The Prince George’s County Planning Department has determined that this preliminary plan is located in Police District V. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the proceeding 12 months, beginning with January 2005.

The preliminary plan was accepted for processing by the Planning Department on October 18, 2005.

Reporting Cycle	Date	Emergency Calls	Nonemergency
Acceptance Date	01/05/05-09/05/05	12.00	22.00
Cycle 1	01/05/05-10/05/05	12.00	22.00
Cycle 2	01/05/05-11/05/05	12.00	23.00

The response time standards of 10 minutes for emergency calls for police was not met on the date of acceptance or within the following two monthly cycles. The preliminary plan is scheduled before the Planning Board prior to the issuance of the 3rd monthly cycle, and is evaluated based on the reporting cycle information available. In accordance with Section 24-122.01 of the Subdivision Regulations, Preliminary Plan 4-05073 fails to meet the standards for police emergency response time. The Planning Board may not approve a preliminary plan until a mitigation plan between the applicant and the county is entered into and filed with the Planning Board in accordance with the County Council’s adopted “Guidelines for the Mitigation of Adequate Public Facilities for Public Safety infrastructure.”

In accordance with CR-78-2005, the applicant has agreed in principle to enter into a mitigation agreement and has chosen to pay solely the mitigation fee. At the writing of this staff report, no additional opportunity exists for the emergency police response time to be evaluated within the third monthly cycle of response time reports since the acceptance of this application (CB-56-2005).

10. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision and has the following comments to offer:

The abandoned shallow well adjacent to the existing house at 6604 Surratts Road must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller or witnessed by a representative from the Health Department as part of the grading permit. The location of the shallow well should be located on the preliminary plan.

Any abandoned septic tank found within the confines of the property must be pumped out by a licensed scavenger and either removed or backfilled in place as part of the grading permit. The location of the septic system(s) should be located on the preliminary plan.

The old privy located behind the shed at 6600 Surratts Road (proposed Lot 4) must be removed. To abandon the privy, the contents should be removed, if possible, by a licensed scavenger and the excavation limed prior to backfilling. If the contents cannot be removed, the materials should be limed and then backfilled.

Approximately six abandoned vehicles (bus, cars, and trucks) were found on the property, and should be removed and properly stored or discarded.

Three aboveground fuel storage tanks were noted on site. These tanks must be removed prior to final plat approval and the contents properly discarded. If staining is encountered, the soils beneath these tanks must be removed and properly disposed. A representative from the Health Department must evaluate the soils for possible contamination once the tanks are removed prior to grading permit approval.

A raze permit is required prior to the removal of any of the structures on site. A raze permit can be obtained through the Department of Environmental Resources, Office of Licenses and Permits. Any hazardous materials located in any structures on site must be removed and properly stored or discarded prior to the structures being razed.

11. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan 42319-2004-00 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.

Staff recommends that with the required review of the detailed site plan for private on-site recreational facilities, that appropriate fencing and landscaping may also be required for the stormwater management facilities to ensure that it is designed as a visual amenity to the development.

12. **Historic**—The Historic Preservation Section notes that a Phase I archeological survey is not recommended on the subject property. However, the applicant should be aware that a structure located within the subject property, facing Surratts Road, appears on the 1861 Martenet map and is probably the Francis L. Goddard House (PG 81A-9), which was originally a log structure on a portion of the first floor. The residence may have begun as a one-story, two-room log cabin, and was later covered with modern materials. Although there is no requirement to do so, prior to demolition the applicant could consider salvaging any historic architectural elements and donating them to the county's architectural salvage depot, Newell Post. Finally, Section 106 review may require archeological survey for state or federal agencies.

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. Revise general note 2 to indicate that Parcel A is also to be used for the required on-site private recreational facilities.

- b. Indicate that the requirement for the mandatory dedication of parkland is being fulfilled with private on-site recreational facilities.
 - c. Provide a note that no direct access is proposed to Pin Oak Street.
 - d. Conform to “Applicant’s Exhibit A.”
 - e. Locate the shallow well and any abandoned septic recovery field.
- 2. Prior to the issuance of permits, a Type II tree conservation plan shall be approved.
- 3. Development of this site shall be in conformance with Stormwater Management Concept Plan 42319-2004-00 and any subsequent revisions.
- 4. In accordance with Section 27-445 of the Zoning Ordinance, prior to the approval of the final plat a detailed site plan shall be approved for the homes recreational use on Parcel A. Review shall include the establishment of appropriate triggers for the construction of the recreational facilities and bonding amounts. The review shall also include appropriate fencing and landscaping for the stormwater management facility on Parcel A to ensure that it is a visual amenity for the development.
- 5. Prior to the approval of building permits, the applicant, his heirs, successors and/or assignees shall convey to the homeowners association 7.62± acres of open space land (Parcel A). Land to be conveyed shall be subject the following:
 - a. Conveyance shall take place prior to the issuance of building permits.
 - b. A copy of unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - c. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - d. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - e. Any disturbance of land to be conveyed to a homeowners association shall be in accordance with an approved 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 stormdrain outfalls. If such proposals are approved, a written agreement and financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a homeowners association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.

- g. Temporary or permanent use of land to be conveyed to a homeowners association for stormwater management shall be approved by DRD.
 - h. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
6. Prior to the approval 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. The applicant, his heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to DRD for construction of recreational facilities on homeowners land, for approval prior to the issuance of permits. The final plat shall note that the site is subject to the review of detailed site plan and subsequent RFA. Upon approval by DRD, the RFA shall be recorded among the county land records.
 8. The applicant, his heirs, successors and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities on homeowners' land, prior to the issuance of building permits.
 9. The adopted and approved Subregion V 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 and the applicant's heirs, successors, and/or assignees shall provide a financial contribution of \$210 to the Department of Public Works and Transportation for the placement of this signage. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit. If road frontage improvements are required by DPW&T, a wide asphalt shoulder or wide outside curb lane is encouraged to accommodate bicycle traffic.
 10. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along the subject site's entire frontage of Brandywine Road, unless modified by DPW&T.
 11. The applicant, his heirs, successors and/or assignees shall provide a standard sidewalk along all internal roads, unless modified by DPW&T.
 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. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste company and reclamation of any contaminated soils has occurred under the direction of the Health Department.
 14. The applicant shall provide private on-site recreation facilities on Parcel A, in accordance with Section 24-134 of the Subdivision Regulations. On-site facilities shall be in conformance with the *Parks and Recreation Facilities Guidelines*.
 15. Prior to the issuance of grading permits, the applicant shall submit a manifest demonstrating that the fuel storage tanks located on the property have been properly disposed of by a licensed waste

company and reclamation of any contaminated soils has occurred under the direction of the Health Department.

16. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer 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.”
17. Prior to the issuance of any permits that 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.
18. Prior to signature of the preliminary plan, the Type I tree conservation plan shall be revised to:
 - a. Eliminate woodland retained on lots from contributing to the woodland conservation requirement and show that area as woodland retained but not part of any requirement on the plan and in the worksheet.
 - b. Correct the worksheet as needed.
 - c. Have the revised plan signed and dated by the qualified professional who prepared the plan.
19. 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/96/04), 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.”
20. **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:
 - a. Restripe an existing eastbound through lane to become a shared through/left-turn lane
 - b. Construct a new westbound shared through/left-turn lane.
21. **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.
22. At the time of final plat approval, the applicant shall dedicate right-of-way along Brandywine Road of 40 feet from centerline.
23. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$189,000 (\$3,780 x 50 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$3,780 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

STAFF RECOMMENDS APPROVAL OF TYPE I TREE CONSERVATION PLAN TCPI/96/04 AND A VARIATION TO SECTION 24-130 OF THE SUBDIVISION REGULATIONS.