



The Maryland-National Capital Park and Planning Commission
Prince George's County Planning Department
Development Review Division
301-952-3530

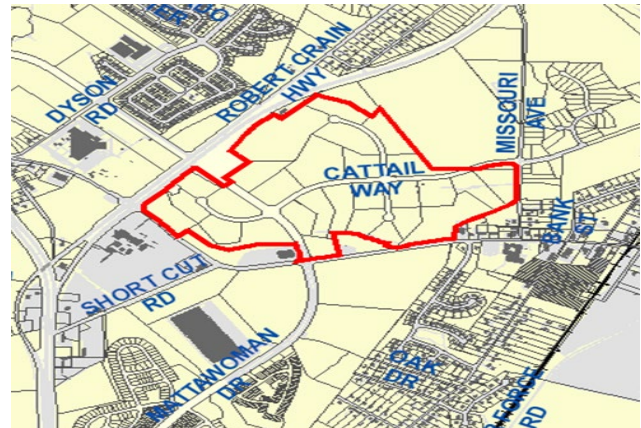
Note: Staff reports can be accessed at <http://mncppc.iqm2.com/Citizens/Default.aspx>

Preliminary Plan of Subdivision Reconsideration Hearing Stephen's Crossing at Brandywine

4-11004

REQUEST	STAFF RECOMMENDATION
Reconsideration Hearing	APPROVAL with conditions

Location: Southeast of the intersection of US 301 (Robert Crain Highway) and MD 381 (Brandywine Road).	
Gross Acreage:	169.34
Zone:	M-X-T/M-I-O
Gross Floor Area:	300,000 sq. ft.
Dwelling Units:	1,295
Lots:	379
Parcels:	73
Outlots:	1
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	217SE07, 217SE08, 218SE07, 218SE08
Applicant/Address: Route 301 Industrial CPI LTD Partnership PO Box 740 Warrenton, VA 20188	
Staff Reviewer: Eddie Diaz-Campbell Phone Number: 301-952-3665 Email: Eddie.Diaz-Campbell@ppd.mncppc.org	



Planning Board Hearing Date:	02/17/2022
Planning Board Action Limit:	N/A
Memorandum Date:	02/03/2022
Date Received:	11/22/2021
Previous Parties of Record (Applicant)	11/19/2021
Previous Parties of Record (M-NCPPC)	12/02/2021 02/01/2022

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at http://www.mncppcapps.org/planning/Person_of_Record/. Please call 301-952-3530 for additional information.

February 3, 2022

MEMORANDUM

TO: The Prince George's County Planning Board

FROM: Eddie Diaz-Campbell, Senior Planner, Subdivision Section
Development Review Division

VIA: Sherri Conner, Supervisor, Subdivision Section
Development Review Division

SUBJECT: **Preliminary Plan of Subdivision 4-11004
Stephen's Crossing at Brandywine
Reconsideration Hearing**

By letter dated October 29, 2021 (submitted November 22, 2021), Edward C. Gibbs, Jr., representing Route 301 Industrial CPI Limited Partnership, requested a waiver of the Planning Board Rules of Procedure (Section 10(a)) and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-11004, which was approved by the Prince George's County Planning Board on October 2, 2014. The resolution (PGCPB No. 14-110(C)) was adopted on October 23, 2014. The October 29, 2021 request pertains to both PPS 4-11004 and PPS 4-15011, however, separate action is required on each case, and so staff has prepared a separate memorandum for PPS 4-15011.

On December 16, 2021, the Planning Board granted a waiver of the Planning Board Rules of Procedure to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Planning Board granted the request for reconsideration based on other good cause, in furtherance of substantial public interest.

The applicant's specific request is for reconsideration of Conditions 10, 11, 15, 16, and 33 of the resolution, as well as any findings associated with those conditions. These conditions currently require the applicant to do the following:

Prior to the 200th building permit:

- Construct Cattail Way (Master Planned Road C-610) over the Timothy Branch stream. (Condition 33)
- Construct an eight-foot-wide trail/sidewalk within the public right-of-way of Cattail Way, connecting Daffodil Court to the Southern Area Aquatic and Recreational Complex (SAARC). (Condition 33)

Prior to the 100th residential building permit:

- Design and construct a half-section of Cattail Way along its entire frontage of Brandywine Area Community Park. (Condition 10)
- Design and construct an eight-foot-wide trail/sidewalk within the public right-of-way of Cattail Way along its entire frontage of Brandywine Area Community Park. (Condition 10)
- Construct a 30-foot-wide asphalt driveway and an 8-foot-wide concrete trail connector on park property within Brandywine Area Community Park, leading from Cattail Way to the parking lot of the SAARC. (Condition 10)

Prior to the 50th residential building permit:

- Develop construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way along Cattail Way's entire frontage of Brandywine Area Community Park, and submit these drawings and specifications to the Prince George's County Department of Permitting, Inspections and Enforcement (DPiE). (Condition 11)
- Submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond or other suitable financial guarantee for construction of the 8-foot-wide trail/sidewalk and any improvements on parkland along the Brandywine Area Community Park's road frontage necessary for the construction of a 30-foot-wide asphalt driveway and an 8-foot-wide concrete trail connector leading from Cattail Way to the parking lot of the SAARC. (Condition 16)

Prior to approval of the first final plat of subdivision:

- Enter into an agreement with DPR for construction of the 8-foot-wide trail/sidewalk and any required improvements on park property along the Brandywine Area Community Park's road frontage, as well as for the 30-foot-wide asphalt driveway and the 8-foot-wide concrete trail connector leading from Cattail Way to the parking lot of SAARC. (Condition 15)

The applicant's proposed revisions to Conditions 10, 11, 15, 16, and 33 are shown in their October 29 request letter, on pages 6–8. The effect of the proposed revisions would be to amend all of the above requirements to be completed prior to the 497th residential building permit. The reasons for the applicant's request are discussed further in this memorandum. Staff finds that alternative timing to that proposed by the applicant is appropriate; this alternative is also discussed further in this memorandum.

PPS 4-11004, known as Stephen's Crossing at Brandywine, is a mixed-use subdivision which was approved by the Planning Board in 2014, for a total of 379 lots, 73 parcels, and 1 outlot (Outlot W) to allow development of 1,295 dwelling units and 300,000 square feet of non-residential development. More specifically, the plan approved 800 multifamily dwelling units, 116 two-over-two units, and 379 single-family attached units (377 townhouses and an additional two attached units not considered to be townhouses). A second PPS, 4-15011, was approved by the Planning Board in 2015, for 56 lots and 9 parcels to allow an additional 56 townhouse units at the east end of the development site on Outlot W, allowing a total of 435 single-family attached units between the two preliminary plans. PPS 4-11004 is valid until December 31, 2027, due to prior legislative extensions and a six-year extension approved by the Planning Board. The applicant has submitted a detailed site plan, DSP-20050, for development of the 116 two-over-two units and 431 single-family attached units, which is currently scheduled to be heard by the Planning Board on March 17, 2022.

The property subject to PPS 4-11004 is bound to the northwest by US 301 (Robert Crain Highway), to the northeast by Brandywine Area Community Park (home of the SAARC), to the east by Missouri Avenue, to the southeast by single-family detached dwellings, and to the south and southwest by MD 381 (Brandywine Road). A property known as Parcel 28 of the Brandywine Business Park containing an office building lies between a portion of MD 381 and the subject property, at MD 381's intersection with Short Cut Road. Across Missouri Avenue from the property is vacant land. Across MD 381 from the property is an ongoing development known as the Villages at Timothy Branch. Across US 301 from the property are Gwynn Park High School and a neighborhood known as the Hampton Subdivision. Two master-planned roads traverse the property, including Mattawoman Drive (A-63), a future arterial extending from MD 381 to US 301, and Cattail Way, a future collector extending from Mattawoman Drive to Missouri Avenue, crossing over the Timothy Branch stream.

As detailed in the applicant's request, the applicant has not been able to move forward with construction of the Stephen's Crossing project due to the cost of installing the development's road infrastructure. In particular, the applicant found that the wetland impacts of Cattail Way are greater than originally anticipated near where it intersects with Missouri Avenue. When PPS 4-11004 and PPS 4-15011 were approved, the applicant anticipated that construction would commence with the dwellings proposed at the east end of the development near this intersection, and construction of Cattail Way would accordingly proceed westerly from the intersection, in order to serve the dwellings. However, due to the increased costs of starting development at the previously intended starting point, the applicant now wishes to instead begin construction near where Mattawoman Drive will intersect MD 381. Construction would then proceed northeasterly, as illustrated on Exhibit K attached to the applicant's October 29 letter (page 190).

As a result of this change, all the infrastructure improvements described above, including the Timothy Branch stream crossing, the half-section of Cattail Way, the trail/sidewalk along Cattail Way, and the trail and driveway on park property providing access to the SAARC, would be among the last infrastructure improvements to be installed rather than among the first. The conditions

under reconsideration, however, are written to require these improvements be provided following the earliest phases of the development. The applicant proposed they be provided prior to the 497th building permit instead, so that additional phases of the development can be constructed before the improvements are required. Delaying the requirements would allow the applicant additional time to acquire the necessary capital to construct the improvements, which they will need to finance through sale of dwelling units.

The applicant's reconsideration request was referred to DPR, DPIC, and the Transportation Planning Section for review and comment. DPR provided a written referral response which is included in the backup of this memorandum. In addition, staff from these agencies, as well as Subdivision staff, collaborated on review of the applicant's request in order to provide an appropriate response and recommendation.

Staff finds that the applicant's proposed new strategy for constructing the development (west to east, instead of from east to west) is acceptable, as it will not affect any of the transportation adequacy findings of either PPS 4-11004 or PPS 4-15011. Based on this, staff also accepts the premise that construction of the Timothy Branch stream crossing, half-section of Cattail Way, and trails and driveway may be delayed until later in the development process.

However, while the construction may be delayed, it must ultimately be achieved. The improvements in question are crucial for supporting the quality of life of the future residents of the subdivision; without them, the new residents who will live west of Timothy Branch will not have easy access to the SAARC, and instead of being able to go east on Cattail Way, they would have to follow a much more circuitous route involving Mattawoman Drive, Brandywine Road, and Missouri Avenue. Further, the crossing is part of a master-planned roadway, and the resolutions of approval of the preliminary plans specify that the connection to the SAARC is meant to fulfill the mandatory parkland dedication requirements of the Prince George's County Subdivision Regulations. Based on how critical the improvements are, staff found that the revisions to the conditions of approval should have additional safeguards to ensure the improvements will be installed despite the longer time horizon for their construction. Staff found that construction should be completed sooner than proposed in the applicant's request letter, and that the prerequisite steps for construction including making an agreement, bonding, providing construction drawings, and obtaining building permits should also be done sooner in order to ensure the improvements will be progressing toward construction before they are required to actually be complete.

To that end, staff recommends an alternative set of revisions to the conditions of approval, which are shown in Amendment 1 of the recommendation section of this memo. The revisions are intended to accomplish the following:

- 1. Require that construction of the improvements be complete by the 455th dwelling unit (Revisions to Conditions 10 and 33)**

The applicant's proposed timing for construction, as expressed in their request letter, (completion prior to the 497th building permit) would make it so the improvements must be complete just before they start construction of the 51 townhouse dwelling units between Timothy Branch and Missouri Avenue. Staff's proposed timing would make it so the improvements must be complete before they complete all of the dwelling units between Mattawoman Drive and Timothy Branch. Staff recommends this timing because Cattail Way must be built in order for the last 51 townhouse units to have access through the site to Mattawoman Drive, and therefore, Cattail Way should be planned to be completed further in

advance of that phase. In addition, the half-section of the roadway and parkland improvements are required to meet the mandatory dedication requirements for all dwelling units, and so staff finds that development of additional units should be tied to the improvements' construction to ensure their timely completion, should the development of the 51 townhouse units or the multifamily units be delayed for any reason.

2. Require staggering of construction drawings and permits (Revisions to Conditions 11 and 33)

Existing Condition 11 requires the construction drawings for the half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way to be provided to DPIE in advance of the deadline for construction (drawings prior to the 50th building permit and completion of construction prior to the 100th building permit). Staff finds it is appropriate to maintain the staggering of drawing submittal and construction completion, and recommends that the construction drawings be complete and submitted prior to the 300th dwelling unit, instead of the 497th permit. Although not required under the existing conditions, staff also finds it appropriate, given the longer time horizon for construction, that another deadline be given for obtaining the building permits for these improvements (at the 370th dwelling unit). This deadline for building permits should also apply to the Cattail Way stream crossing in Condition 33.

3. Keep to the original agreement and bonding schedule (Revisions to Conditions 15 and 16)

Existing Condition 15 specifies that the applicant must enter into an agreement with DPR for construction of the 8-foot-wide trail/sidewalk and any required improvements on park property along the park's road frontage, as well as the 30-foot-wide asphalt entrance and driveway and the 8-foot-wide concrete trail connector, prior to the first final plat of subdivision. This agreement is required prior to approval of any permit for construction or occupancy of dwellings, according to the Subdivision Regulations (see Section 24-135(b)(3)), and so staff does not find it appropriate to move the timing to prior to the 497th permit as the applicant's letter requests. With regard to the bonding required by Condition 16, bonding of recreational facilities also typically occurs prior to the first building permit. While staff finds it acceptable to let bonding occur prior to the 50th building permit (dwelling unit), as specified by the current condition, staff does not find it appropriate to move the timing to prior to the 497th permit as the applicant's letter requests. Staff conferred with the applicant and determined that they would be willing to provide a bond prior to the 50th dwelling unit so long as the bond is a reasonable amount. For this reason, an estimated bonding amount provided by DPR (\$200,000) is included in the recommended revisions to Condition 16.

4. Allow flexibility on when the SAARC connection can be completed (Revision to Condition 10)

Existing Condition 10 says that DPR can delay the completion date of the improvements in the public right-of-way along the park frontage, as well as the improvements on park property, based on the construction schedule of the SAARC facility. Since the SAARC facility is complete, staff recommends that Condition 10 be revised so that DPR can still delay the completion date, based upon coordination with DPIE. It is noted that since the right-of-way construction is under the authority of DPIE, DPIE also has the ability to require the

improvements be constructed sooner than required by this condition; an early completion date may be needed if the construction schedule of the dwelling units, roads, or other improvements requires it.

5. Clarify building permits vs. dwelling units (Revisions to Conditions 10, 11, 16, and 33)

This distinction is relatively unimportant in the existing conditions, as it was previously expected that the first 100 building permits would be for townhouse and two-over-two dwellings, and therefore, there would be a 1:1 permit to dwelling unit ratio. While this is still expected, there is still a chance, given the longer time horizon for constructing all the public improvements, that some multifamily dwellings could be built in the meantime, in which case the majority of the dwellings approved with the preliminary plans could be built with just a handful of building permits. Staff does not find it appropriate to allow a situation where 800+ dwelling units could be constructed before the Cattail Way improvements, and recommends that the revised conditions clarify what was intended by the original condition language.

Staff further recommends that, in addition to revising the conditions of approval, the reconsideration should revise Finding 9 (Parks and Recreation) and Finding 11 (Transportation, Construction of Cattail Way subsection) to account for the new condition language. Finding 9 should also be revised to provide a summary of the reconsideration action. The recommended new language is shown in Amendments 2 and 3 of the recommendation section of this memorandum.

If the Planning Board approves the reconsideration, staff will prepare an amended resolution to reflect the amended conditions, which will be placed on a future Planning Board agenda for adoption.

RECOMMENDATION

APPROVAL of a reconsideration of Preliminary Plan of Subdivision 4-11004 (PGCPB Resolution No. 14-110(C)) to **amend Conditions 10, 11, 15, 16, and 33, and amend Findings 9 and 11**, as follows (text with strikethrough indicates language to be deleted, and text with underline indicates new language to be added):

Amendment 1- Conditions 10, 11, 15, 16, and 33 (Pages 4, 5, and 11):

10. Prior to approval of a building permit for the 455th 100th residential dwelling unit building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), or prior to April 1, 2017, whichever comes first, the applicant and the applicant's heirs, successors, and/or assignees shall ~~design and~~ construct a half-section of Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of Brandywine Area Community Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot within Brandywine Area Community Park. Construction of these improvements shall be deemed complete upon the opening of at least one lane of the road

in each direction to traffic and provision of access to the SAARC from Cattail Way. In the event that the Prince George's County Department of Parks and Recreation (DPR) determines that the timing of the completion of these improvements can be delayed based upon ~~the construction schedule associated with the SAARC project~~ coordination with DPIE, DPR may, at its sole discretion, delay the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

11. ~~Prior to issuance of approval of a building permit for the 300th 50th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), building permit,~~ the applicant and the applicant's heirs, successors, and/or assignees shall develop 100% design construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way (along the Brandywine Area Community Park's road frontage) and submit them to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Prior to approval of a building permit for the 370th cumulative residential dwelling unit, the applicant shall obtain the permits for construction of these improvements from DPIE.
15. Prior to the first final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall enter into an agreement with the Prince George's County Department of Parks and Recreation (DPR) for construction of the eight-foot-wide trail/sidewalk and any required improvements on park property along the Brandywine Area Community Park's road frontage, as well as the 30-foot-wide asphalt entrance and driveway and the eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area. ~~Six weeks p~~ Prior to submission of a final plat of subdivision, the applicant shall submit to DPR for review and approval three original executed agreements. Upon approval by the DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland, and the liber and folio reflected on the final plat prior to recordation.
16. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) of a building permit for the 50th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond, letter of credit, or other suitable financial guarantee, in an amount to be determined by DPR. The current estimated bonding amount is \$200,000, for the construction of the eight-foot-wide trail/sidewalk and any other improvements on parkland along the Brandywine Area Community Park's road frontage necessary for the construction of a 30-foot-wide asphalt entrance at Cattail Way and a driveway with and an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area.
33. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) of a building permit for the 370th 200th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), building permit, the applicant shall obtain permits from the Prince George's County Department of Permitting, Inspections, and Enforcement (DPIE) to construct Cattail Way over Timothy Branch. This roadway connection shall include construction within the public right-of-way of an eight-foot-wide trail/sidewalk which shall connect Daffodil Court

to the Southern Area Aquatic and Recreational Complex (SAARC). The status of the construction of Cattail Way shall be provided with each detailed site plan proposing residential development which fronts on or accesses Cattail Way. Prior to the recommendation of approval by M-NCPPC of a building permit for the 455th residential dwelling unit, the applicant shall construct these improvements.

Amendment 2- Finding 9 (Pages 60 to 62):

9. **Parks and Recreation**—The Department of Parks and Recreation (DPR) has reviewed the PPS application for conformance with the requirements and recommendations of Plan Prince George's 2035, the Subregion 5 Master Plan and SMA, Subtitle 24, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The property is adjacent to the Brandywine Area Community Park, which is abutting to the northeast. The park is currently undeveloped; however, planning for the construction of a multigenerational recreational complex is in the planning and development stage. This recreational facility is currently referred to as the Southern Area Aquatic and Recreational Complex (SAARC) and will be a 75,000-square-foot multigenerational recreational facility, as envisioned in the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space* (Formula 2040). A multigenerational recreational facility provides an array of programs to serve the recreation and leisure needs and interests of the entire family, not just one age group. The SAARC will include a range of indoor and outdoor recreational facilities such as a swimming pool, a gymnasium, a walking track, a fitness center, and a variety of indoor flexible programmable space. The main vehicular and pedestrian access to the park is planned from Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the SAARC will be completed in early 2017. Residents in the Stephen's Crossing development will be able to walk to this park by way of a proposed trail along Cattail Way, which is required to be constructed by the applicant.

The applicant's proposal is for 1,295 (1,352 with 57 lots in Outlot W) residential dwelling units as part of the planned development, consisting of single-family attached and multifamily dwelling units. Using current occupancy statistics for single-family attached and multifamily dwelling units, the proposed development would result in an increase of 3,993 additional residents in the Brandywine area. This addition of 3,993 new residents to the existing Brandywine community would significantly impact existing public recreational facilities. It is anticipated that the demand for public parkland and public recreational facilities, such as football, soccer, and baseball fields, basketball and tennis courts, playgrounds and picnic areas, will increase.

Section 24-134 of the Subdivision Regulations allows for the mandatory dedication of 10.5 acres of parkland suitable for active and passive recreation to serve the proposed development. DPR evaluated the project area along the eastern property line next to the park and found that this area includes floodplain, a creek, and wetlands, and that there is not much developable land at this location. In addition, the limited amount of developable area at that location is separated from the adjoining parkland by a creek, floodplain, and wetlands. Therefore, it is not desirable to require the dedication of parkland.

Section 24-135 of the Subdivision Regulations states, in part, that:

- (a) Fee in Lieu. The Planning Board may require the payment of a fee in lieu of dedication equal to five percent (5%) of the total new market value of the land as stated on the final assessment notice issued by the State Department of Assessments and Taxation when it finds that dedication of parkland is unsuitable or impractical due to size, topography, drainage, physical characteristics, or similar reasons, or if adequate open space has been acquired and is available to serve the subdivision. The fee shall be paid prior to recording the subdivision and shall be used by the Commission to purchase or improve parkland for the benefit of the future residents.**
- (b) Recreational Facilities. Recreational facilities may be provided instead of land or fees in any residential zone, provided that a plan for such recreational facilities is approved by the Planning Board after determining that:**

 - (1) Such facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication;**

Several options were discussed with the applicant for their participation in the development of the adjoining park, which will serve the residents of this development. The applicant offered to design and construct improvements associated with the SAARC project. DPR determined that the most beneficial alternative to meeting the requirements for mandatory dedication of land would be the design and construction of a half-section of Cattail Way along the frontage of the park and construction of an access road and trail connector to the park from Cattail Way. These improvements are not planned as part of the SAARC construction; however, they would provide safer and convenient access to the public recreational facilities in the park from the Stephen's Crossing development. In addition to off-site improvements to meet the mandatory dedication requirements of Subtitle 24, the applicant also proposes the construction of private recreational facilities which would include clubhouses, playgrounds, and trails which shall be evaluated with the DSP and not required through mandatory dedication.

Summary of 2022 Reconsideration

By letter dated October 29, 2021 (submitted November 22, 2021), Edward C. Gibbs, Jr., representing Route 301 Industrial CPI Limited Partnership, requested a waiver of the Planning Board Rules of Procedure (Section 10(a)) and a reconsideration of Preliminary Plan of Subdivision (PPS) 4-11004, which was approved by the Prince George's County Planning Board on October 2, 2014. The resolution (PGCPB No. 14-110(C)) was adopted on October 23, 2014. On December 16, 2021, the Planning Board granted a waiver of the Planning Board Rules of Procedure to admit a reconsideration request submitted more than 14 days after the adoption of the resolution. The Planning Board also granted the applicant's request for a reconsideration, in accordance with Section 10(e) of the Rules of Procedure. Section 10(e) states that reconsideration may only be granted if, in furtherance of substantial public interest, the Board finds that an error in reaching the original decision was caused by fraud, surprise, mistake, inadvertence, or other good cause. The Planning Board granted the request for reconsideration based on other good cause, in furtherance of

substantial public interest. The applicant's specific request was for reconsideration of Conditions 10, 11, 15, 16, and 33, and any related findings. The conditions reconsidered pertain to the construction of off-site improvements required for mandatory dedication under this finding.

Between approval of the PPS in 2014 and the reconsideration in 2022, the applicant was unable to move forward with construction of the Stephen's Crossing project, in part due to the cost of installing the development's road infrastructure. In particular, the applicant found that the wetland impacts of Cattail Way are greater than originally anticipated near where it intersects with Missouri Avenue. When 4-11004 and associated PPS 4-15011 were approved, the applicant anticipated that construction would commence with the dwellings proposed at the east end of the development near this intersection, and construction of Cattail Way would accordingly proceed westerly from the intersection, in order to serve the dwellings. However, due to the increased costs of starting development at the previously intended starting point, the applicant wishes to instead begin construction near where Mattawoman Drive will intersect MD 381. Construction would then proceed northeasterly toward Missouri Avenue.

As a result of this change, all the infrastructure improvements required by this finding would be among the last infrastructure improvements to be installed rather than among the first. The conditions reconsidered, however, were originally written to require these improvements be provided following the earliest phases of the development. The applicant requested that construction of the improvements be delayed, so that additional phases of the development can be constructed before the improvements are required. Delaying the requirements will allow the applicant additional time to acquire the necessary capital to construct the improvements, which they will need to finance through sale of dwelling units.

The new schedule for construction of the improvements, as well as the prerequisite steps which must be taken prior to their construction, is as follows:

Prior to the ~~455th~~ 400th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), ~~building permit or prior to April 1, 2017, whichever comes first,~~ the applicant shall design and construct a half-section of Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of the park. This work, as well as all other improvements associated with the Cattail Way construction, must meet the requirements of DPIE. In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot within the park. The construction of these improvements will be deemed complete upon the opening to traffic of at least one lane of Cattail Way in each direction and provision of access to the SAARC from Cattail Way. In the event that DPR determines that the timing of the completion of these improvements can be delayed based upon coordination with DPIE, ~~the construction schedule associated with the SAARC project,~~ DPR may, at its sole discretion, delay the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

Prior to issuance of the ~~300th~~ 50th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), ~~building permit,~~ the applicant shall develop 100 percent design construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way (along park's road frontage) and submit them

to DPIE. Prior to approval of a building permit for the 370th cumulative residential dwelling unit, the applicant shall obtain the permits for construction of these improvements from DPIE. The applicant will be responsible for obtaining all of the necessary permits and bonding that may be required by federal, state, or local authorities needed to accomplish the design and construction of improvements within the Cattail Way right-of-way. Prior to construction of the 30-foot-wide asphalt entrance driveway and the eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot, DPR will provide the applicant with construction drawings for the improvements on park property. The design and construction of any required stormwater management facilities needed for construction of a half-section of Cattail Way will be the responsibility of the applicant. Any such facilities may not be located on park property.

Prior to approval of the first final plat in the subdivision, the applicant will enter into an agreement with DPR for the construction of the eight-foot-wide trail/sidewalk and any required improvements to connect the development to the park, as well as the 30-foot-wide asphalt entrance and driveway and the eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. Prior to submission of a final plat of subdivision, the applicant should submit to DPR for review and approval three original executed agreements. Upon approval by DPR, the agreement will be recorded among the Land Records of Prince George's County, and the liber and folio reflected on the final plat prior to recordation.

Prior to application for the 50th residential dwelling unit within Preliminary Plan 4-15011 and 4-11004 (cumulatively). ~~building permit,~~ the applicant shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantee in an amount to be determined by DPR for the construction of an eight-foot-wide trail/sidewalk and any other improvements on park property for construction of a 30-foot-wide asphalt entrance and driveway and an eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. The current estimated bonding amount as of January 2022 is \$200,000. Bonding for construction within the dedicated public right-of-way is under the authority of DPIE.

Amendment 3- Finding 11, Construction of Cattail Way section (Pages 76 to 77):

Construction of Cattail Way

Cattail Way will be dedicated and built over Timothy Branch. It is important that the residential development on the east side of Timothy Branch not be physically separated from the major development on the west side, and that those residences have access to A-63. Conversely, it is also desirable that residents on the west side of Timothy Branch have a secondary access to Missouri Avenue and to a proposed DPR facility (the SAARC) on the east side of Timothy Branch (Brandywine Area Community Park). Mandatory dedication of parkland is being fulfilled by providing frontage improvements and pedestrian access to the abutting park property, therefore, the crossing is necessary.

Neither Cattail Way nor the intersection of Cattail Way and Missouri Avenue were included in the traffic impact study; therefore, the connection is not essential to a finding of transportation adequacy. However, a staging recommendation for Cattail Way is required given that this construction is being recommended in lieu of mandatory dedication of parkland to provide access from the subject property to the public park. Therefore, prior to approval of a building permit for the 370th cumulative residential dwelling unit within

Preliminary Plan 4-15011 and Preliminary Plan 4-11004, the applicant shall obtain permits from DPIE to Construct Cattail Way over Timothy Branch. This roadway connection shall include construction within the public right-of-way of an eight-foot-wide trail/sidewalk which shall connect Daffodil Court to the SAARC. Prior to approval of the 455th residential dwelling unit, the applicant shall complete construction of these improvements. The status of the construction of Cattail Way shall be provided with each DSP proposing residential development.