



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

4-15011

Stephen's Crossing at Brandywine, Outlot W

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:	7.12
Zone:	M-X-T
Gross Floor Area:	N/A
Dwelling Units:	56
Lots:	56
Parcels:	9
Outlots:	0
Planning Area:	85A
Council District:	09
Election District:	11
Municipality:	N/A
200-Scale Base Map:	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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

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 4-15011
Stephen's Crossing at Brandywine, Outlot W
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) 4-15011, which was approved by the Prince George's County Planning Board on December 3, 2015. The resolution (PGCPB No. 15-129) was adopted on January 7, 2016. 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 4-11004.

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 3, 4, 8, and 9 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 100th residential building permit:

- Design and construct a half-section of Cattail Way along its entire frontage of Brandywine Area Community Park. (Condition 3)
- 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 3)
- 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 Southern Area Aquatic and Recreational Complex (SAARC). (Condition 3)

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 Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). (Condition 4)
- Submit to the Prince George's County Department of Parks and Recreation (DPR) a performance bond or other suitable financial guarantee for construction of a half-section of Cattail Way, an 8-foot-wide trail/sidewalk, and any other improvements within the public right-of-way along Brandywine Area Community Park's road frontage, as well as for construction of a 30-foot-wide asphalt entrance and driveway and an 8-foot-wide trail connector. Note that part of this requirement conflicts with the findings of PPS 4-11004, which state that bonding for construction within the dedicated public right-of-way is under the authority of DPIE. (Condition 9)

Prior to approval of the first final plat of subdivision:

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

The applicant's proposed revisions to Conditions 3, 4, 8, and 9 are shown in their October 29 request letter, on pages 8–10. 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 4-15011, known as Stephen's Crossing at Brandywine, Outlot W, is a residential subdivision which was approved by the Planning Board in 2015, for 56 lots and 9 parcels to allow 56 townhouse units at the east end of the overall Stephen's Crossing development. A previous PPS, 4-11004, was approved 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 within the overall development. More specifically, that plan approved 800 multifamily dwelling units, 116 two-over-two units, and 379 single-family attached units (including 377 townhouses and 2 single-family attached units not considered to be townhouses). A total of 435 single-family attached units were approved between the two preliminary plans. PPS 4-15011 is valid until December 31, 2022, due to prior legislative extensions approved by the Prince George's County Council. 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. This DSP proposes 51 units within the area of PPS 4-15011, compared to the 56 approved under the PPS.

The property subject to PPS 4-15011 is bound to the north by Cattail Way, with Brandywine Area Community Park (home of the SAARC) beyond; to the east by Missouri Avenue, with vacant land beyond; and to the south and west by the remainder of the Stephen's Crossing development. The Timothy Branch stream is also located just west of the property.

The overall Stephen's Crossing development is bound to the northwest by US 301 (Robert Crain Highway), to the northeast by Brandywine Area Community Park, 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 development, at MD 381's intersection with Short Cut Road. Across Missouri Avenue from the development is vacant land. Across MD 381 from the development is an ongoing development known as the Villages at Timothy Branch. Across US 301 from the development are Gwynn Park High School and a neighborhood known as the Hampton Subdivision. Two master-planned roads traverse the development, 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 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, DPIE, 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 Stephen's Crossing 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 half-section of Cattail Way, 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 resolution of approval of PPS 4-11004 specifies that the connection to the SAARC is meant to fulfill the mandatory parkland dedication requirements of the Prince George's County Subdivision Regulations, and the resolution of PPS 4-15011 provides its finding of conformance with the mandatory dedication of parkland requirements is dependent on the adequacy finding made with the previous plan (PPS 4-11004). Based on this, 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 (Revision to Condition 3)

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 within the area of PPS 4-15011. However, by this point they would have constructed all of the single-family attached and two-over-two units within the area of PPS 4-11004. Staff's proposed timing would make it so the improvements must be complete before all of the PPS 4-11004 single-family attached and two-over-two units are complete. Staff recommends this timing because Cattail Way must be built in order for the 51 townhouse units east of Timothy Branch 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 proposed under PPS 4-11004 be delayed for any reason.

2. Require staggering of construction drawings and permits (Revision to Condition 4)

Existing Condition 4 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).

3. Keep to the original agreement and bonding schedule (Revisions to Conditions 8 and 9)

Existing Condition 8 specifies that the applicant must enter into an agreement with DPR for construction of the half-section of Cattail Way, the 8-foot-wide trail/sidewalk, and any required improvements within the public right-of-way 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 9, 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 9. Condition 9 should also be edited to remove reference to the half-section of Cattail Way and improvements within the public right-of-way, as bonding for construction within the dedicated public right-of-way is under the authority of DPIE, not DPR. The recommended revision brings the list of facilities required to be bonded with DPR in line with that required with PPS 4-11004.

4. Allow flexibility on when the SAARC connection can be completed (Revision to Condition 3)

Existing Condition 3 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 3, 4, and 9)

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 8 (Parks and Recreation) to account for the new condition language. Finding 8 should also be revised to provide a summary of the reconsideration action. The recommended new language is shown in Amendment 2 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 4-15011 (PGCPB Resolution No. 15-129) to **amend Conditions 3, 4, 8, and 9, and amend Finding 8**, as follows (text with strikethrough indicates language to be deleted, and text with underline indicates new language to be added):

Amendment 1—Conditions 3, 4, 8, and 9 (Pages 2-3):

3. Prior to approval the issuance 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, his successors, and/or assignees collectively 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 Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's Department of Permitting, Inspection 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 SAARC parking lot within Brandywine 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 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, adjust the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

4. Prior to ~~approval issuance of a building permit for the 300th~~ 50th residential dwelling unit building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively) the applicant, his successors, and/or assignees collectively, 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 public right-of-way (along Brandywine Park's road frontage) and submit them to the Prince George's Department of Permitting, Inspection 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.
8. Prior to the first final plat of subdivision the applicant, his successors, and/or assignees shall enter into an Agreement with DPR for the construction of the half-section of Cattail Way, the eight-foot-wide trail/sidewalk and any required improvements within the public right-of-way along Brandywine Park's road frontage as well as the 30-foot-wide asphalt entrance and driveway and eight-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. ~~Six weeks p~~ Prior to a 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.
9. Prior to approval of a building permit for the 50th residential dwelling unit building permit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively) the applicant, his successors, and/or assignees shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, The current estimated bonding amount is \$200,000, for the construction of ~~half section of Cattail Way, an eight foot wide trail/sidewalk and any other improvements within the public right of way along Brandywine Park's road frontage and for the 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. 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 an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area.

Amendment 2—Finding 8 (Pages 13-15):

8. **Parks and Recreation**—Outlot W was previously approved as part of Stephens Crossing at Brandywine (PPS 4-11004) and is subject to the approval of CSP-09003 (PGCPB Resolution No. 14-09). The analysis of the PPS 4-11004 included adequacy for mandatory dedication of parkland for the entire property, including 57 TH lots on what is now Outlot W. According to Section 24-134(a)(3)(D) of the Subdivision Regulations, this subdivision is exempt from the mandatory dedication of parkland; because of the findings the conditions of the Preliminary Plan 4-11004 related to the entire property including Outlot W. Therefore, the

conditions of approval related to parks and recreation for the fulfillment of mandatory dedication are applicable to this subdivision and are carried forward.

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) 4-15011, which was approved by the Prince George's County Planning Board on December 3, 2015. The resolution (PGCPB No. 15-129) was adopted on January 7, 2016. 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 3, 4, 8, and 9, 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 2015 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 4-15011 and associated PPS 4-11004 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 4-11004 to meet mandatory parkland dedication (carried forward under 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.

PPS 4-11004 (PGCPB Resolution No. 14-110(C)(A)) was reconsidered, with the applicant's requested amendments approved, on February 17, 2022. PPS 4-11004 includes the Conditions 10, 11, 12, 13, 14, 15 and 16 which relate to Parks and Recreation; of these, Conditions 10, 11, 15, and 16 were reconsidered:

10. ~~Prior to the 100th residential building permit or prior to April 1, 2017, whichever comes first, the applicant, his successors, and/or assigns, shall design and construct a half-section of Cattail Way and an 8-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of Brandywine Area Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's Department of Permitting, Inspection and Enforcement ("DPIE"). In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an 8-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot within Brandywine Area 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 DPR determines that the timing of the completion of these improvements can be delayed based upon the construction schedule associated with the SAARC project, DPR may, at its sole discretion, adjust the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.~~ Prior to approval of a building permit for the 455th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant and the applicant's heirs, successors, and/or assignees shall 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 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 50th residential building permit, the applicant, his successors, and/or assigns, shall develop construction drawings and specifications for the construction of a half-section of Cattail Way, an 8-foot-wide trail/sidewalk and any required improvements within public right-of-way (along Brandywine Area Park's road frontage) and submit them to the Prince George's Department of Permitting, Inspection and Enforcement ("DPIE").~~ Prior to approval of a building permit for the 300th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), 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.

12. The applicant, his successors, and/or assigns, shall be responsible for obtaining all permits that may be required by Federal, State or Local authorities needed to accomplish the design and construction of improvements within Cattail Way right-of-way.
13. Prior to construction of the 30-foot-wide asphalt entrance driveway and an 8-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot, DPR staff shall provide the applicant construction drawings for the aforementioned improvements.
14. The applicant, his successors, and/or assigns, shall design and construct any required storm water management facilities needed for the construction of the half-section of Cattail Way.
15. ~~Prior to the first final plat of subdivision, the applicant, his successors, and/or assigns, shall enter into an Agreement with DPR for the construction of the half-section of Cattail Way, the 8-foot-wide trail/sidewalk and any required improvements within the public right-of-way along Brandywine Area Park's road frontage as well as the 30-foot-wide asphalt entrance and driveway and 8-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. Six weeks prior to a 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.~~ 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. 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. ~~At least two weeks prior to application for 50th residential building permit, the applicant, his successors, and/or assigns, shall submit to the DPR a performance bond, letter of credit or other suitable financial guarantee, in an amount to be determined by the DPR, for the construction of half-section of Cattail Way, an 8-foot-wide trail/sidewalk and any other improvements within the public right-of-way along Brandywine Area Park's road frontage~~

and for the construction of a 30-foot-wide asphalt entrance and driveway and an 8-foot-wide concrete trail connector from Cattail Way to the SAARC parking lot area. 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), 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 an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot area.

The Department of Parks and Recreation (DPR) is in the process of designing a multi-generational recreational complex to be constructed in Brandywine Park. This recreational facility is known as the Southern Area Aquatic and Recreational Complex (SAARC) and will include a 75,000 square foot multi-generational recreational facility, as envisioned in the adopted Formula 2040 Functional Master Plan for Parks, Recreation and Open Space. It is anticipated that the SAARC will be completed in 2018. The residents of Stephens Crossing at Brandywine will be able to walk to this a 75,000 square foot multi-generational regional public recreational facility within Brandywine Park known as the Southern Area Aquatic and Recreational Complex (SAARC) by way of a proposed trail along Cattail Way. The applicant also proposed the construction of private recreational facilities and trails that will be evaluated by the DSP. The Department of Parks and Recreation staff recommends approval of PPS 4-15011 with conditions.