



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

# Preliminary Plan

## Fallen Oak Townhomes

# 4-18033

REQUEST	STAFF RECOMMENDATION
A subdivision of land for 44 lots and 8 parcels for single-family attached development.	<b>Approval</b> with Conditions
Variance request to Section 25-122(b)(1)(G)	<b>Approval</b>

**Location:** On the north side of Dyson Road, approximately 1,200 feet northeast of the intersection of MD 381 with Dyson Road.

Gross Acreage: 8.84

Zone: M-X-T

Gross Floor Area: 0

Lots: 44

Parcels: 8

Planning Area: 85A

Council District: 09

Election District: 11

Municipality: N/A

200-Scale Base Map: 217SE07

**Applicant/Address:**  
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1010 Rockville Pike, Suite 300  
Rockville, MD 20852

**Staff Reviewer:** Christopher Davis  
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Planning Board Date: 09/19/19

Planning Board Action Limit: 11/24/19

Mandatory Action Timeframe: 140 days

Staff Report Date: 09/04/19

Date Accepted: 06/06/19

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

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-18033  
Fallen Oak Townhomes  
Type 1 Tree Conservation Plan TCP1-029-94-03

**OVERVIEW**

The subject property is currently known as Parcel 133 recorded in Prince George's County Land Records in Liber 19669 at folio 443. The property is approximately 8.84 acres, located on the north side of Dyson Road, approximately 1,200 feet northeast of the intersection of MD 381 (Brandywine Road) and Dyson Road, and is currently undeveloped. The site is in the Mixed Use-Transportation-Oriented (M-X-T) Zone, subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). The site is subject to Conceptual Site Plan CSP-16005, which included a larger land area (24.89 acres) for the development of 44 townhomes and 9,300 square feet of gross floor area (GFA) for commercial development. The development of the entire site covered under the CSP has been divided into two phases. Phase I is for the residential portion of the development (44 single-family attached dwellings). The instant preliminary plan of subdivision (PPS) application proposes two private road parcels (Parcel A and Parcel B) to serve the on-site access and circulation, open space parcels (Parcels C-H), and Outparcel 1, which is proposed for future commercial development as part of Phase 2 and proposes no GFA on this outparcel with this application. Outparcel 1 does not have frontage on, nor direct access to a public street, and does not meet the requirements of the Zoning Ordinance. As a result, Outparcel 1 was not tested for adequacy with this application and is being designated as an outparcel which will require testing of adequacy in conjunction with a future PPS as part of the Phase 2 commercial development that was approved with the CSP.

The property included in this PPS was the subject of a previous PPS (4-16026), approved by the Prince George's County Planning Board on September 13, 2018 for 42 lots and 6 parcels. The instant PPS application proposes an overall development and lotting pattern, which is consistent with the development approved under PPS 4-16026, with the exception of the addition of two additional dwelling unit lots, as further detailed in finding 2 of this technical staff report.

On October 23, 2018, the County Council of Prince George's County, sitting as the District Council, adopted Council Bill CB-087-2018, which modified the development regulations for townhouse lots in the M-X-T Zone. Specifically, this legislation amended the minimum lot size requirements in Section 27-548 of the Zoning Ordinance, from 1,800 square feet to 1,200 square feet. This adopted legislation also amended the maximum number of townhouse dwelling units per building group from six to eight. As a result of the amended regulations, this application adjusts to a smaller lot size than previously approved with PPS 4-16026, in order to provide two additional lots, which conform to the new zoning requirements. In addition, the subject application proposes lots which will

accommodate six building groups of single-family attached dwellings in which no building groups exceed eight units, in order to comply with the zoning regulations as amended, and no zoning variances have been requested with this application. Upon the adoption of the resolution of approval of this PPS, it will supersede 4-16026 for the development of the property.

The applicant has filed a variance to Section 25-122(b)(1)(G) of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) for the removal of one specimen tree. Staff recommends **approval** of the PPS and the Variance, with conditions, based on the findings contained in this technical staff report.

## SETTING

The property is located on Tax Map 145 in Grid A-2 and is within Planning Area 85A. The site is bounded by Dyson Road to the southeast and Gwynn Park Senior High School beyond in the Rural Residential (R-R) Zone, single-family detached dwellings to the west and southwest in the R-R Zone, and vacant land to the north located in the M-X-T Zone.

Abutting the subject site to the west is a 1.07 acre, 60-foot-wide parcel in the R-R Zone known as Parcel 4 and recorded in the Prince George’s County Land Records in Liber 32086 at folio 27. According to the 2010 deed, the parcel was legally conveyed to the Maryland State Highway Administration (SHA) of the Maryland Department of Transportation in order to layout, open, establish, construct, extend, widen, straighten, grade, and improve as a part of the State Roads System of Maryland. The parcel is not a master-planned right-of way according to the 2009 *Countywide Master Plan of Transportation* (MPOT). The PPS does not label the use of this parcel. While the deed indicates that the parcel may be used in the future for part of the State road system, aerial imagery found on PGAtlas shows that the parcel is currently unimproved. The plans should be revised as necessary to clarify the use of the property, as buffering from the proposed lots may be required if classified as a road, or if Parcel 4 should be classified as vacant land in the R-R Zone, if no future roadway is proposed.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	PROPOSED
Zone	M-X-T	M-X-T
Use(s)	Vacant	Single-Family Attached
Acreage	8.84	8.84
Lots	0	44
Outlots	0	0
Outparcels	0	1
Parcels	1	8
Dwelling Units:	0	44
Public Safety Mitigation Fee	No	No
Variance	No	Yes 25-122(b)(1)(G)
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on June 28, 2019.

2. **Prior Approvals**—The site was subject to CSP-16005 approved by the Planning Board on November 9, 2017 and adopted on November 30, 2017 (PGCPB Resolution No. 17-146). The CSP included a larger land area (24.89 acres) for the development of 44 townhomes and 9,300 square feet of commercial space. The CSP was approved subject to four conditions and the following conditions from CSP-16005 are applicable to this PPS:

2. **At the time of detailed site plan (DSP):**

- a. **The applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**

- (1) **An eight-foot-wide sidepath (or wide sidewalk) along the subject site's entire frontage of Dyson Road, unless modified by the Prince George's County Department of Permitting, Inspections and Enforcement.**

Discussion of this condition is provided in the Trails section of this technical staff report.

- b. **If private on-site recreational facilities are required at the time of preliminary plan of subdivision, details of the same shall be reviewed by the Urban Design staff and shall be approved with the DSP for this project.**

The submitted PPS indicates that private on-site recreational facilities will be provided to meet the mandatory park dedication requirement, which is recommended by staff. Based on the 44 townhouse units proposed, the value of the provided recreation facilities should be approximately \$45,285. Conformance with this condition will be determined at the time of DSP when details of specific facilities are provided. If it is determined at the time of DSP that additional facilities are required to meet the value amount, there may be a loss of lots due to the limited usable open spaces proposed in the PPS.

3. **Prior to any future application for development on Parcel A (Phase II), a full natural resources inventory plan for that parcel shall be submitted for review and approval.**

Parcel A was approved for commercial development under CSP-16005 and includes the area designated for future commercial retail with this PPS application as proposed Outparcel 1. This PPS does not include any development on Outparcel 1, which will be evaluated with Phase II of the project.

4. **Total development within the subject property shall be limited to uses which generate no more 69 AM peak trips and 118 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

A new transportation analysis was conducted by staff and the findings are provided in the Transportation Planning section of this technical staff report, recommending approval. The trips generated by the residential development proposed in this PPS are within the trip cap established with the CSP.

As previously mentioned, the site was also the subject of PPS 4-16026, approved by the Planning Board on September 13, 2018 and adopted on October 11, 2018 (PGCPB Resolution No. 18-90). PPS 4-16026 was approved for a similar development layout to the instant PPS application and approved 42 lots and 6 parcels, for 42 single-family attached dwellings, subject to 15 conditions.

The instant application proposes two additional lots and three additional parcels to the development approved under PPS 4-16026. The two additional lots are proposed to be incorporated within a group of lots centrally located within the development and the three additional parcels represent further subdivision of open space to be dedicated to the homeowners association (HOA). If this PPS application is approved and a resolution is adopted by the Planning Board, PPS 4-16026 would be superseded by the instant PPS 4-18033. Given the similar development being proposed, most of the conditions approved with PPS 4-16026 (PGCPB Resolution No. 18-90) are recommended with this PPS, as further detailed below.

3. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) designated the subject property in the Established Communities growth policy area. The Established Communities are most appropriate for context-sensitive infill and low- to medium-density development (page 20).

#### **Master Plan**

The Subregion 5 Master Plan and SMA (CR-80-2013) recommends commercial future land use on the subject property. The master plan addresses land use in the vicinity of the subject property in the following recommendations on page 51:

“In addition to the transit station in the core of the Brandywine Community Center, a second station is shown near the planned MD 5/A-63 interchange. This station would be placed on or near the site of the current park and ride lot and is envisioned as being park-and-ride oriented, attracting residents from a broad portion of Subregions 5 and 6. Large parking facilities could be considered here. Land use in the area surrounding the transit station (on both sides of MD 5) would be a mix of commercial and institutional uses east and west of MD 5.”

#### **Sectional Map Amendment/Zoning**

The subject property was rezoned from the R-R Zone to the M-X-T Zone with the District Council's approval of Zoning Ordinance No. 20-2009. The Subregion 5 Master Plan and SMA retained the subject property in the M-X-T Zone (CR-81-2013). The M-X-T zoning of the site allows for the commercial future land use or the proposed residential land use. The

applicant has provided a note on the PPS stating that Outparcel 1 will be a commercial retail parcel as part of a future application.

The Zoning Ordinance requires multiple land uses in the M-X-T Zone, and the Planning Board's determination in PGCPB Resolution No. 17-146 approving CSP-16005 for Fallen Oaks states: "As the project is in the M-X-T Zone, two land uses are required and proposed. The Planning Board has herein approved the residential townhouses to be accessed via Dyson Road (Phase I) and 9,300 square feet of commercial development (Phase 2) to be accessed from Mattawoman Drive (Phase II)."

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Subregion 5 Master Plan and SMA as part of a larger CSP, which approves a commercial component. The approved future land use for the subject site (CSP) is commercial, with the residential component (Phase 1) as required by the M-X-T Zone for two or more uses. The PPS identifies that the commercial land use will be developed on the proposed Outparcel 1 as a future commercial retail parcel in accordance with CSP-16005.

4. **Trails**—The site is covered by the MPOT and the Subregion 5 Master Plan and SMA. Because the site is located in the Branch Avenue Corridor, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the 2012 Transportation Review Guidelines, Part 2, Adequacy of Bicycle and Pedestrian Facilities in Centers and Corridors, at the time of PPS.

Two master plan trail/bikeway issues impact the application; a shared-used sidepath (or sidewalk) recommended along Dyson Road and Mattawoman Drive (A-63) (see MPOT map). Currently, there is an 8-foot-wide sidewalk built along the south side of Dyson Road between Mattawoman Drive and 500 feet east of Stoney Creek Lane. In addition, there is a standard 6-foot-wide sidewalk that leads to the parking lot and entrance of Gwynn Park High School, directly across the street from the subject site to the south. There is also a 5-foot-wide sidewalk along the north side of Dyson Road that ends approximately 255 feet east of the subject site. Staff recommends an 8-foot-wide sidewalk along the frontage of the subject site, consistent with the master plan sidepath recommendation. The second master plan recommendation in the vicinity of the subject site is a sidepath along Mattawoman Drive. The proposed sidepath is near, but does not directly impact, the property that is the subject of this PPS. No trail construction for A-63 is recommended at this time for the subject application.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

**POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.**

**POLICY 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.**

Sidewalk access is provided to all residential units and the frontage of Dyson Road will be improved with a shared use sidepath (or wide sidewalk). The master plan facility along A-63 to the east will be completed concurrently with the road construction as part of a future capital improvement project.

**Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:**

Due to the location of the subject site within the MD 5 Corridor, the application is subject to CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) s includes the following guidance regarding off-site improvements:

- (c) As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c):

**The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and three hundred dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.**

Based on Section (c) and the 44 residential units proposed, the cost cap for the application is \$13,200.

Section 24-124.01 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
- 1. Installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
  - 2. Installing or improving streetlights;**



3. **Building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
4. **Providing sidewalks or designated walkways through large expanses of surface parking;**
5. **Installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
6. **Installing street trees.**

A scoping meeting was held with the applicant on November 21, 2017. There are numerous pedestrian destinations along Dyson Road in the vicinity of the subject site as well as Gwynn Park High and Middle Schools. Sidewalks are fragmented in the vicinity of the subject site, with newer developments including sidewalks along their frontage, while some sections of the road remain open with no sidewalks. At the time of the scoping meeting, a gap in the sidewalk network was identified that could serve as an appropriate off-site improvement to serve the future residents of the site. There is an existing sidewalk along the west side of Dyson Road that ends approximately 255 feet short of the frontage of the subject site. Staff recommends that the sidewalk be extended from the property line to fill this 255-foot gap. The applicant submitted an exhibit illustrating the sidewalk project with this application (applicant's Exhibit 1).

A crosswalk directly connecting the subject site and Gwynn Park High School was considered by staff. However, the sidewalk along Gwynn Park High School is not immediately alongside Dyson Road, but is south of the road connecting to the school's parking lot. Therefore, there would be no receiving sidewalk for a crosswalk along the frontage of Gwynn Park High School. The sidewalk at the school connects to another walking path that leads to the intersection of Mattawoman Drive and Dyson Road. This is an appropriate location for a crosswalk and staff recommends this improvement.

Section 24-124.01(f) requires an exhibit of all off-site improvements at the time of DSP:

- (f) **If a conceptual or detailed site plan approval is required for any development within the subdivision, the developer/property owner shall include, in addition to all other required information in the site plan, a pedestrian and bikeway facilities plan showing the exact location, size, dimensions, type, and description of all existing and proposed easements and rights-of-way and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the subdivision and within the designated walking or biking distance of the subdivision specified in Subsection (c ) of this Section, along with the location, types, and description of major improvements, property/lot lines, and owners that are within fifty (50) feet of the subject easements and rights-of-way.**

An exhibit showing the location, limits, and details of the off-site sidewalk will be required at the time of DSP pursuant to Section (f).

**Demonstrated nexus between the subject application and the off-site improvements:**

Section 24-124.01(c) requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. The demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

The off-site sidewalk proffered by the applicant and reflected on the applicant's bicycle and pedestrian impact statement Exhibit 2 (provided in the back-up of this technical staff report) will extend the sidewalk being constructed along the frontage of the subject site, and will better connect the future residents of the site with the nearby residential communities and schools along Dyson Road. To further provide pedestrian connection from the proposed subdivision to the Gwynn Park High School to the south across the street, a pedestrian crosswalk crossing the east leg of Dyson Road at Mattawoman Drive is recommended with this application.

**Finding of Adequate Bicycle and Pedestrian Facilities:**

CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. CB-2-2012 is applicable to preliminary plans within designated centers and corridors. The subject application is located within the designated Branch Avenue corridor, as depicted on the Adequate Public Facility Review Map of the General Plan. CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by CB-2-2012, Section 24-124.01(b)(1) and (2) includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part, within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.**
1. **The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
    - a. **The degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable**

**area master plans or sector plans have been constructed or implemented in the area; and**

- b. The presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, “bulb out” curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

Sidewalks are provided to all residential units internal to the subject site. The applicant has proffered off-site sidewalk construction along a segment of Dyson Road to complete the pedestrian connection between the subject site and abutting residential communities. Between the improvements along the frontage of the subject site, the off-site sidewalk proposed, and the crosswalk at Dyson Road and Mattawoman Drive, an additional segment of Dyson Road will be retrofitted for pedestrian access.

**2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**

- a. The degree to which bike lanes, bikeways, and trails recommended in the MPOT and applicable area master plans or sector plans have been constructed or implemented in the area;**
- b. The presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**
- c. The degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and**
- d. The availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.**

The shared use sidepath proposed along the frontage of the subject site will accommodate bicyclists consistent with the master plan. Striping for designated bike lanes (or other appropriate on-road facility) can be considered by the Prince George’s County Department of Public Works and Transportation (DPW&T) at the time of road resurfacing. In addition, bicycle parking will be recommended at the

time of DSP for planned commercial use to further accommodate all modes of transportation.

5. **Transportation**—The subject property is located within Planning Area 85A and is affected by the Brandywine Road Club. Specifically, County Council Resolution CR-9-2017 indicates the following be established:

1. The use of the Brandywine Road Club for properties within Planning Areas 85A and 85B as a means of addressing significant and persistent transportation deficiencies within these planning areas.
2. A list of projects for which funding from the Brandywine Road Club can be applied.
3. Standard fees by development type associated with the Brandywine Road Club to be assessed on approved development.

The resolution works in concert with CB-22-2015, which permits participation in roadway improvements as a means of demonstrating adequacy for transportation as required in Section 24-124. Specifically, CB-22-2015 allows the following:

1. Roadway improvements participated in by the subdivider can be used to alleviate any inadequacy as defined by the “Guidelines.” This indicates that sufficient information must be provided to demonstrate that there is an adequacy.
2. To be subject to CB-22-2015, the subject property must be located in an area for which a road club was established prior to November 16, 1993. In fact, the Brandywine Road Club was included in Council Resolution CR-60-1993 adopted on September 14, 1993, and it was developed and in use before that date.

Pursuant to Council Resolution CR-9-2017, the Brandywine Road Club fee for the subject application will be \$1,338 per dwelling unit to be indexed by the appropriate cost indices to be determined by the Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE). Pursuant to CB-22-2015, once the appropriate payment is made to the satisfaction of DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a).

A previous conceptual site plan application, CSP-16005, established transportation related findings and recommended a trip cap for a mixed residential and commercial development on this site. Commercial space is proposed to be developed on Outparcel 1 and abutting property to the east as part of a future application (Phase 2).

The subject property is located within Transportation Service Area 2, as defined in the Plan 2035. 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

per Section 24-124(a)(6) is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Guidelines.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the CLV is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the CLV is computed.

The table below summarizes trip generation in each peak-hour that will be used in reviewing traffic and developing a trip cap for the site:

<b>Trip Generation Summary, 4-18033, Fallen Oak Townhomes</b>						
Proposed Use	AM Peak Hour			PM Peak Hour		
	In	Out	Tot	In	Out	Tot
44 townhouse units	<b>6</b>	<b>25</b>	<b>31</b>	<b>23</b>	<b>12</b>	<b>35</b>
Trip Cap: CSP-16005			<b>69</b>			<b>118</b>

Traffic counts have been submitted with this application. The counts are dated May 2016, and according to the "Transportation Review Guidelines" they would typically be considered to be out-of-date. However, interchange construction adjacent to the site along MD 5 has visibly affected traffic patterns in the area, and staff does not find it appropriate to take new counts while construction activity continues. Therefore, the available traffic information was accepted in support of this application as determined by the Transportation Planning Section Supervisor. The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic, operate as follows:

<b>EXISTING TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Dyson Road and Mattawoman Drive	<b>11.2*</b>	<b>10.4*</b>	--	--
Dyson Road and Site Access	<b>N/A</b>	<b>N/A</b>	--	--
Dyson Road and Brandywine Road	<b>19.7*</b>	<b>19.6*</b>	--	--
US 301 and MD 381	<b>1,310</b>	<b>1,219</b>	<b>D</b>	<b>C</b>
*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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

In evaluating the effect of background traffic, the traffic impact study included a growth of 3 percent per year for 2 years that was applied to the through-traffic volumes. Based on the regional growth, a second analysis was done. The table below shows the results:

<b>BACKGROUND TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Dyson Road and Mattawoman Drive	<b>11.4*</b>	<b>10.5*</b>	--	--
Dyson Road and Site Access	<b>N/A</b>	<b>N/A</b>	--	--
Dyson Road and Brandywine Road	<b>29.0*</b>	<b>21.6*</b>	--	--
US 301 and MD 381	<b>2,391</b>	<b>2,309</b>	<b>F</b>	<b>F</b>
*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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

Regarding the total traffic scenario, the trip generation as computed above was applied to the local transportation network. The total traffic analysis indicates the following results:

<b>TOTAL TRAFFIC CONDITIONS</b>				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
Dyson Road and Mattawoman Drive	<b>11.6*</b>	<b>11.1*</b>	--	--
Dyson Road and Site Access	<b>10.4*</b>	<b>11.9*</b>	--	--
Dyson Road and Brandywine Road	<b>38.7*</b>	<b>32.1*</b>	--	--
US 301 and MD 381	<b>2,324</b>	<b>2,540</b>	<b>F</b>	<b>F</b>
*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 <i>Guidelines</i> , delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as "+999" suggest that the parameters are beyond the normal range of the procedure and should be interpreted as a severe inadequacy.				

The subject site is required to contribute to the Brandywine Road Club because the critical intersection of US 301 and MD 381 is at a failing level of service. The intersection is one for which relief is planned by means of the Brandywine Road Club. For that reason, adequacy is determined consistent with Section 24-124(a)(8), with conditions for the applicant to contribute to funding the improvements at the time of building permit.

#### **Master Plan Roads**

The property is located within the boundary of the Subregion 5 Master Plan and SMA. The property has frontage along a section of Dyson Road, which is not classified on the master plan. Right-of-way dedication of 25 feet from centerline is shown on the current plans and

will be reflected on the final plat prior to approval. The proposed dedication is acceptable and will be required at the time of record plat.

Based on preceding findings, adequate transportation facilities will exist to serve the proposed subdivision, as required in accordance with Section 24-124, if the application is approved with conditions.

6. **Use Conversion**—The total development included in this PPS is for 44 single-family attached dwellings in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed that affects Subtitle 24 adequacy findings, as set forth in the resolution of approval and reflected on the PPS, that revision of the mix of uses shall require approval of a new PPS, prior to approval of any building permits.
7. **Schools**—This PPS has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations. Staff has conducted an analysis, and the results are as follows:

**Impact on Affected Public School Clusters Single-Family Attached Dwelling Units**

<b>Affected School Clusters #</b>	<b>Elementary School Cluster 6</b>	<b>Middle School Cluster 6</b>	<b>High School Cluster 6</b>
Dwelling Units	44	44	44
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	6.0	3.0	5.0
Actual Enrollment in 2018	4,795	1,923	2,471
Total Enrollment	4,801	1,926	2,476
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	77%	66%

Section 10-192.01 of the Prince George's County Code establishes school surcharges and an annual adjustment for inflation. The current amount is \$16,698, as this project falls outside of I-95/I-495 (Capital Beltway). This fee is to be paid to Prince George's County at the time of issuance of each building permit.

8. **Public Facilities**—In accordance with Section 24-122.01, water and sewerage, police, and fire and rescue facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated August 16, 2019 (Hancock to Davis), provided in the back-up of this technical staff report and incorporated by reference herein.
9. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a), when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

"Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748."

The standard requirement for public utility easements is 10 feet wide along both sides of all public rights-of-way. The property's frontage abuts Dyson Road, which is a public road, and the applicant has delineated this required PUE on the PPS.

Section 24-128(b)(12) of the Subdivision Regulations states that "private roads shall have a public utility easement contiguous to the right-of-way. Said easement shall be at least ten (10) feet in width and shall be adjacent to either right of way line." The subject PPS proposes to locate a PUE on either side of the development's private right-of-way parcels of Parcel A and Parcel B and the applicant has delineated this required PUE on the PPS.

- 10. Historic**—A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. The subject property does not contain, and is not adjacent to, any Prince George's County historic sites or resources. This proposal will not impact any historic sites, historic resources, or known archeological sites. A Phase I archeology survey is not recommended.

- 11. Environmental**—The following applications are previously reviewed for the subject property:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-106-2016	N/A	Staff	Approved	9/09/2016	N/A
NRI-106-2016-01	N/A	Staff	Approved	9/06/2017	N/A
NRI-183-2017 (EL)	N/A	Staff	Approved	10/18/2017	N/A
CSP-16005	TCPI-029-94-01	Staff	Approved	11/09/2017	17-146
4-16026	TCP1-029-94-02	Planning Board	Approved	9/13/2018	18-90
4-18033	TCP1-029-94-03	Planning Board	Pending	Pending	Pending

### **Proposed Activity**

The applicant is requesting approval of the subject PPS and a Type 1 Tree Conservation Plan (TCP1) for the construction of a townhouse development.

### **Grandfathering**

The project is subject to the current regulations of Subtitles 24, 25, and 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

### **Site Description**

The site is located on the north side of Dyson Road, approximately 1,200 feet east of MD 381, in Brandywine, Maryland. The site is currently vacant. A review of the available information indicates that the site contains streams within the Middle Potomac Watershed and drains toward Piscataway Creek, a Maryland Stronghold watershed, to the north. Floodplain and wetlands are mapped on this property. The Sensitive Species Project Review



Area map received from the Maryland Department of Natural Resources Natural Heritage Program shows no rare, threatened, or endangered species found to occur on, or near this property. Forest Interior Dwelling Species (FIDS) habitat and a FIDS buffer are mapped on-site.

**Plan Prince George's 2035 Approved General Plan (2014)**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035.

**Subregion 5 Master Plan and Sectional Map Amendment (2013)**

The Environmental Infrastructure section contains goals, policies, and strategies. The following guidelines have been determined to be applicable to this site. The text in **BOLD** is the text from the master plan and the plain text provides comments on the plan conformance.

**Policy 1: Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**

**Policy 2: Ensure that new development incorporates open spaces, environmental design, and mitigation activities.**

**Policy 3: Protect, preserve, and enhance the identified green infrastructure network within Subregion 5.**

Parcel 133 is zoned M-X-T, for a mix of uses. The applicant is proposing townhouses at this stage (Phase 1) and a commercial site at a later phase (Phase 2). The townhouses are proposed to avoid impacts to the regulated environmental features to the fullest extent possible, while preserving approximately 51 percent of net tract area on the parcel. The subject property is located entirely within the regulated and evaluation areas of the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's Resource Conservation Plan*, due to the presence of wetlands and floodplain. The applicant has incorporated environmentally sensitive design into the stormwater management (SWM) practices and is minimizing impacts to the regulated environmental features to the extent practicable.

**Policy 4: Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**

Preservation of water quality will be achieved through an approved SWM concept plan utilizing environmentally sensitive design to the maximum extent practicable. An approved SWM Concept Plan (No. 38664-2016-03) and approval letter was submitted with the subject application.

**Policy 5: Protect and restore groundwater recharge areas such as wetlands and the headwater areas of streams.**

The wetlands on this property are being preserved with this application.

**Policy 8: Minimize impervious surfaces in the Developing Tier portion of the watershed through use of conservation subdivisions and environmentally sensitive design and, especially in the higher density Brandywine Community Center, incorporate best stormwater design practices to increase infiltration and reduce run-off volumes.**

The use of environmentally sensitive design is proposed with the SWM Concept Plan (No. 38664-2016-03).

#### **Conformance with the Green Infrastructure Plan**

According to the *Approved Countywide Green Infrastructure Plan* (Green Infrastructure Plan), the site contains both regulated and evaluation areas within the designated network of the plan. The conceptual design as reflected on the PPS and the TCP1 is in keeping with the goals of the Green Infrastructure Plan and focuses development outside of the most sensitive areas of the site.

#### **Environmental Review**

As revisions are made to the submitted plans, the revision boxes on each plan sheet shall be used to describe what revisions were made, when they were made, and by whom.

#### **Natural Resources Inventory Plan/Existing Features**

The application has two approved Natural Resources Inventories (NRI). NRI-106-2016-01 is for Parcel 133 (8.84 acres), approved on September 19, 2017. NRI-183-2017 is for Parcel A (16.05 acres), approved on October 18, 2017. Overall, the 24.89-acre site contains woodlands, specimen trees, streams and associated buffers, wetlands and associated buffers, and floodplain, all contained within the delineated primary management area (PMA). Because no development is proposed on Parcel A as part of this development, an NRI plan is not required at this time. Specimen trees were only inventoried and evaluated for Parcel 133, where development is proposed. Although the general notes state that there are 57 specimen trees on-site, the plan correctly shows and lists 40 specimen trees present on the site.

The TCP1 and PPS show all the required information correctly in conformance with the approved NRIs. No revisions are required for conformance to the NRI.

#### **Woodland Conservation**

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. Because part of the site is subject to an existing Type 1 and Type 2 Tree Conservation Plan (TCP2-029-94-02 and TCP2-034-96), the TCP1 shows the addition of Parcel 133. The addition of Parcel 133 results in a gross tract area of 198.16 acres for the TCP1 only. The TCP1 plan includes a note that clarifies the limits of this PPS.

Although the subject area of this PPS is zoned M-X-T, which has a 15 percent woodland conservation threshold, the applicant and staff have agreed to the continued application of the threshold approved with the original TCP1, which is 20 percent, as was previously outlined in Finding 11.g. of CSP-16005 (PGCPB Resolution No. 17-146).

As previously stated, no development is proposed on Parcel A at this time. The overall site of the TCP1 is 198.16 acres. The TCP1 worksheet correctly calculates the woodland conservation threshold of 37.66 acres and the overall requirement of 54.24 acres after proposing to clear an additional 4.49 acres on Parcel 133. The requirement is proposed to be met with 57.78 acres of on-site woodland preservation, exceeding the 54.24-acre requirement. An additional 16.31 acres of woodland will be preserved but not counted as credit.

### **Specimen Trees**

Section 25-122(b)(1)(G) of the County Code, requires that "Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree's condition and the species' ability to survive construction as provided in the Technical Manual."

A Subtitle 25 variance application, a statement of justification (SOJ) in support of a variance, and a plan showing seven specimen trees to be removed (ST 2-7 and ST-9), was approved with CSP-16005. A Subtitle 25 variance for the removal of ST-8 was granted with the previous approval of PPS 4-16026 and TCP1-029-94-02. Given that the instant application is seeking approval of a new PPS, which will supersede the previous approval, and TCP1 on the site the applicant has submitted a Subtitle 25 variance application for the same ST-8 and has provided an SOJ in support of the variance. The variance for ST-8 has been evaluated and again recommended for approval with this application, in accordance with the required findings as detailed below.

Section 25-119(d) of the WCO contains six required findings to be made before a variance can be granted. A Letter of Justification dated December 21, 2018 seeks to address the required findings for the Subtitle 25 variance relating to ST-8. The text in **BOLD**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

#### **(A) Special conditions peculiar to the property have caused the unwarranted hardship;**

The site is fully forested with wetlands, floodplain, and stream channels flowing through the western and northern portions. As this property was once part of a much larger gravel mining site, drainage channels and travel pathways are still found on-site. The existing specimen trees that need to be removed follow a significant drainage channel that traverses diagonally across the center of the property from the southeast corner, west-northwest, to the regulated stream.

Primarily, the hardship on this site is created by the location of the trees in this developable area and the need for SWM and other required infrastructure to meet the requirements of the County Code. However, for the development to succeed it has to be placed in the southern half of the property away from jurisdictional wetlands and waters of the United States. (WOUS). Although the subject specimen tree is located outside of the limits of disturbance, grading necessary for the stormwater outfall will significantly impact the critical root zone.

**(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas.**

The approval of this variance request to remove one additional specimen tree on the property is necessary to develop the site as currently zoned (M-X-T). If other properties, similarly zoned, encounter trees in a similar condition and in a similar location on a site, the same considerations would be provided during the review of the required variance application.

**(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants.**

The purpose of request is to remove one additional specimen tree, for a total of eight specimen trees to be removed, and avoid further significant impacts to jurisdiction features within the PMA. The applicant is not asking the County for any special privileges that would be denied to other applicants, but permission to remove one additional specimen tree, so that the site may be developed in accordance with its designated zoning.

**(D) The request is not based on conditions or circumstances which are the result of actions by the applicant;**

This request is not based on conditions or circumstances which are solely the result of actions by the applicant. The removal of this specimen trees is primarily due to proximity with the proposed developable portion of the site and the immediate relationship to the presence of 1.08 acres of palustrine, forested wetlands, and approximately 1,300 linear feet of WOUS. The request is not the result of actions by the applicant.

**(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property;and**

This request is based on the nature of the existing site, distribution of the subject trees, and the existing infrastructure surrounding the site. This request is not based on a condition relating to land or a building use on a neighboring property.

**(F) Granting of the variance will not adversely affect water quality.**

The proposed Fallen Oak townhouse development will not adversely affect water quality because the review of the project will be subject to the requirements of the Maryland Department of the Environment and the Prince George's County Soil Conservation District.

The one additional specimen tree to be removed is adjacent to a regulated stream, however; the remaining 32 specimen trees to be preserved will continue to provide water quality benefits, canopy tree shading reducing the ambient temperature of storm-water run-off, water infiltration in the root zone, and soil erosion.

**Summary of the Specimen Tree Variance Request**

ST-8, proposed for removal, is located in the most suitable area of the site for the stormwater outfall, and is adjacent to an extensive area of regulated environmental

features, most of which will be preserved and placed into a protective easement. The required findings of Section 25-119(d) have been addressed by the applicant and staff recommends approval for the removal of specimen tree ST-8.

**Preservation of Regulated Environmental Features/Primary Management Area (PMA)**

This site includes regulated environmental features inclusive of the PMA, which must be preserved and/or restored to the fullest extent possible. An SOJ and exhibits for the impacts were approved with CSP-16005. The layout has been revised since the CSP approval and an additional 0.09 acre of PMA impact has been requested with the subject PPS. These impacts are minor and in the same areas approved for disturbance. Based on the level of design information currently available, the limits of disturbance shown on the TCP1, and previously approved impact exhibits, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

**Soils**

The predominant soils found to occur according to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey are the Beltsville-silt loam (5–10 percent slopes), Beltsville-Urban land complex (0–5 percent slopes), Sassafras sandy loam (0–2 percent slopes) and Udorthents (0–5 percent slopes). Marlboro Clay was not found to occur on, or in the vicinity of, this property.

- 12. Urban Design**—Conformance with the following Zoning Ordinance regulations is required for the proposed development at time of the required DSP review, including, but not limited to the following:
- a. Sections 27-544 regarding regulations in the M-X-T Zone;
  - b. Section 27-547(b) regarding the Table of Uses for the M-X-T Zone;
  - c. Section 27-548 regarding regulations in the M-X-T Zone; and
  - d. Parts 11 and 12 regarding parking and signage.

**Conformance with the 2010 Prince George's County Landscape Manual**

The proposed development is subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual), including the following sections:

- a. Section 4.1, Residential Requirements
- b. Section 4.6, Buffering Development from Streets
- c. Section 4.7, Buffering Incompatible Uses
- d. Section 4.9, Sustainable Landscaping Requirements
- e. Section 4.10, Street Trees along Private Streets

Conformance with the requirements of the Landscape Manual will be evaluated at time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that proposes more than 5,000 square feet of GFA, or disturbance, and requires a grading permit. Properties zoned M-X-T are required to provide a minimum of 10 percent of the gross tract area to be covered by tree canopy. The subject site is 8.84 acres in size and

requires 0.88 acre of tree canopy coverage. Compliance with this requirement will be further evaluated at the time of DSP review.

- 13. Parks and Recreation**—This PPS was reviewed for conformance with the requirements and policies of the 2013 Subregion 5 Master Plan and SMA; the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*; the approved CSP-16005; and the Subdivision Regulations as they pertain to public parks and recreation facilities.

The Planning Board approved CSP-16005 in November 2017. The Department of Parks and Recreation staff reviewed and evaluated the CSP and recommended that at the time of PPS, the staff would apply the requirements of Section 24-135(b) of the Subdivision Regulations, in order to satisfy the Mandatory Parkland requirements. The relevant portion of that requirement is related to the provision of private, on-site recreational facilities.

With the submission of this PPS, the plans indicate that there will be approximately 5.2 acres of green space and a playground for school-aged children; both maintained by the HOA. If the PPS is approved, the site will be subject to DSP review, and the details concerning the recreational facilities can be determined at that stage.

Staff recommends the provision of private on-site recreational facilities for the fulfillment of the requirements for mandatory dedication be adequate to serve the recreational needs of this community.

- 14. Stormwater Management**—An approved SWM plan (No. 38664-2016-03) and approval letter was submitted with the subject application and was approved on July 9, 2019 with conditions, requiring the use of micro-bioretenment and a fee-in-lieu of \$11,500. The concept approval expires April 23, 2022. Development shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.

## RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Revise the property label for the abutting Parcel 4, immediately to the west of the subject property, to include the zoning and use of the property.
  - b. Include an 8-foot-wide sidepath (or wide sidewalk) along the subject site's entire frontage of Dyson Road, unless modified by the Prince George's County Department of Permits, Inspection and Enforcement.
  - c. Revise Sheet 1 of 3 to thicken proposed property lines so the proposed lots and parcels are clearly delineated.

2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in a resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.
3. Development of the site, not including Outparcel 1, shall be limited to uses that would generate no more than 31 AM and 35 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
4. Development of this site shall be in conformance with the approved Stormwater Management (SWM) Concept Plan (No. 38664-2016-03) and any subsequent revisions. The final plat shall note the approved SWM Concept Plan (No. 38664-2016-03) and approval date, July 9, 2019.
5. Prior to approval of any building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
  - a. A copy of the deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division (DRD), Upper Marlboro, Maryland.
  - b. 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.
  - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, other than the placement of fill material associated with permitted grading operation that are consistent with the permit and minimum soil class requirements, discarded plant materials, refuse, or similar waste matter.
  - d. Any disturbance of land to be conveyed to an HOA shall be in accordance with an approved detailed site plan. 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.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to an HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD, in accordance with the approved detailed site plan.
  - f. The Prince George's County 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 approval of a permit for each single-family attached residential unit, the applicant and the applicant's heirs, successors, and/or assignees shall pay a fee for the Brandywine Road Club to be calculated as \$1,338 by (Engineering News Record Highway Construction

Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993), as shown in accordance with Council Resolution CR-9-2017. All fees shall be paid to Prince George's County (or its designee), to be indexed by the appropriate cost indices to be determined by the Prince George's County Department of Permitting, Inspections and Enforcement.

7. Prior to the approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities as designated below or as modified by the Prince George's County Department of Public Works and Transportation/Prince George's County Department of Permitting, Inspections and Enforcement, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
  - a. Construct the off-site sidewalk along Dyson Road as shown on the bicycle and pedestrian impact statement exhibit. Costs for the off-site improvement are subject to the \$13,200 cost cap specified in Section 24-124.01(c) of the Subdivision Regulations.
  - b. Construct a pedestrian crosswalk crossing the east leg of Dyson Road at Mattawoman Drive.
8. Prior to acceptance of a detailed site plan, an exhibit shall be provided that illustrates the location, limits, and details of the off-site sidewalk construction and any necessary with Americans with Disabilities Act (ADA) ramps, consistent with Section 24-124.01(f) of the Subdivision Regulations.
9. The applicant and the applicant's heirs, successors and/or assignees shall provide private on-site recreation facilities for the fulfillment of 24-134 of the Subdivision Regulations in accordance with the standards outlines in the Park and Recreational Facilities Guidelines. Prior to the approval of the detailed site plan, appropriate and developable areas for the private on-site recreational facilities within the common open space land shall be provided. The recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Maryland-National Capital Park and Planning Commission Planning Department for adequacy and proper siting with the submittal of the detailed site plan and determine an appropriate trigger for construction to be reflected in the recreational facilities agreements.
10. Prior to the approval of the first building permit, the applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of private on-site recreational facilities.
11. Prior to approval of a final plat:
  - a. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of the Maryland-National Capital Park and Planning Commission are



included. The Liber/folio of the declaration of covenants shall be noted on the final plat prior to recordation.

- b. The final plat shall grant a 10-foot-wide public utility easement along Dyson Road and the internal private streets in accordance with the approved preliminary plan of subdivision.
- c. The final plat shall note the Planning Board's approval of a variation from Section 24-128(b)(12) of the Subdivision Regulations for the location of public utility easements.
- d. The final plat shall reflect right-of-way dedication 25 feet from the centerline of Dyson Road, in accordance with the approved preliminary plan of subdivision.
- e. A conservation easement shall be described by bearings and distances. The conservation easement shall contain the floodplain, as determined by the Prince George's County Department of Permitting, Inspections and Enforcement, and all stream buffers shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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."

- f. The final plat shall note the approved stormwater management concept number.
12. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised, as follows:
- a. Remove the "woodland cleared" shading completely from all plan sheets.
  - b. Revise the revision number in the woodland conservation worksheet from "01" to "03."
  - c. Revise the specimen tree chart ST-8 to read "variance approved with PPS 4-18033."
  - d. Have the revised plan signed and dated by the qualified professional preparing the plan.
13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-029-94-03. The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan, TCP1-029-94-03, or as modified by the Type 2 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland–National Capital Park and Planning Commission, Prince George’s County Planning Department.”

14. The applicant and the applicant’s heirs, successors and/or assignees shall submit three original recreational facilities agreements (RFA) to the Development Review Division (DRD) for construction of recreational facilities on-site, including appropriate triggers for construction for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Prince George’s County Land Records.
15. Approval of this preliminary plan of subdivision and adoption of the resolution of approval will supersede the approval of 4-16026 (PGCPB Resolution No. 18-90) for the development of this property.

STAFF RECOMMENDS:

- Approval of Preliminary Plan of Subdivision 4-18033
- Approval of Type 1 Tree Conservation Plan TCP1-029-94-03
- Approval of a Variance to Section 25-122(b)(1)(G)