



Preliminary Plan of Subdivision Junica Brandywine

PPS-2023-017

REQUEST	STAFF RECOMMENDATION
One parcel for 150 two-family condominium dwelling units and 1,000 square feet of commercial development.	With the conditions recommended herein: <ul style="list-style-type: none">• APPROVAL of Preliminary Plan of Subdivision PPS-2023-017• Approval of Type 1 Tree Conservation Plan TCP1-031-2024• Approval of a Variance to Section 25-122(b)(1)(G)

Location: On the north side of Brandywine Road, approximately 800 feet west of MD 5 (Branch Avenue).	
Gross Acreage:	6.28
Zone:	CGO
Gross Floor Area:	1,000 sq. ft.
Dwelling Units:	150
Lots:	0
Parcels:	1
Outparcels:	0
Planning Area:	85A
Council District:	09
Municipality:	N/A
Applicant/Address: Junica Brandywine Village LLC 722 Dulaney Valley Road, Suite 335 Towson, MD 21204	
Staff Reviewer: Mahsa Vatandoost Phone Number: 301-952-4487 Email: Mahsa.Vatandoost@ppd.mncppc.org	



Planning Board Date:	03/06/2025
Planning Board Action Limit:	03/25/2025
Mandatory Action Timeframe:	140 days
Staff Report Date:	02/27/2025
Date Accepted:	10/21/2024
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Acceptance Mailing:	10/14/2024
Sign Posting Deadline:	02/04/2025

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.

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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 PPS-2023-017
Type 1 Tree Conservation Plan TCP1-031-2024
Variance to Section 25-122(b)(1)(G)
Junica Brandywine

OVERVIEW

The site is located on the north side of Brandywine Road, approximately 800 feet west of MD 5 (Branch Avenue), on Tax Map 144, in Grids E2 and F2. The property consists of four parcels identified by the Maryland Department of Assessments and Taxation as Parcels 47, 64, 186, and 92, which are described in a deed recorded in the Prince George's County Land Records in Book 48955 page 141. The property is located within the Commercial, General and Office (CGO) Zone. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan), Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans as outlined herein.

This preliminary plan of subdivision (PPS) proposes one parcel for development of 150 two-family condominium dwelling units and 1,000 square feet of commercial space. Specifically, the concept development proposed at this time includes the 1,000 square feet as a restaurant (café) without a drive-through, within an overall clubhouse building, as an accessory limited commercial use. The clubhouse will also include 1,000 square feet of community amenity space for residents only. The property is currently improved with one vacant residential dwelling unit. All existing structures on the property are proposed to be razed for the construction of the proposed development. The proposed parcel has frontage on and will have direct access to Brandywine Road.

This PPS is required in accordance with Section 24-3402(b)(3) of the Prince George's County Subdivision Regulations. The applicant participated in a pre-application conference for the subject PPS on July 14, 2023, pursuant to Section 24-3302(b)(1) of the Subdivision Regulations, and held a pre-application neighborhood meeting on January 9, 2024, pursuant to Section 24-3303(b)(1) of the Subdivision Regulations. In accordance with Section 24-4503 of the Subdivision Regulations, this PPS is supported by and subject to an approved Certificate of Adequacy, ADQ-2023-033.

The applicant also submitted a request for a variance to Section 25-122(b)(1)(G) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO), to permit the removal of five specimen trees. This request is discussed in the Environmental finding of this technical staff report.

Staff recommend **APPROVAL** of the PPS and Type 1 tree conservation plan (TCP1), with conditions, and **APPROVAL** of the Subtitle 25 variance, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 144, in Grids E2 and F2, and is within Planning Area 85A. Brandywine Road abuts the subject site to the south, with residential properties in the Residential, Rural (RR) Zone beyond. North and west of the property is an existing place of worship use and an existing single-family detached dwelling in the CGO Zone. East of the property is vacant land in the CGO Zone, with MD 5 beyond.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

	EXISTING	EVALUATED
Zone	CGO	CGO
Use(s)	Residential/Vacant	Residential/Commercial
Acreage	6.28	6.28
Lots	0	0
Parcels	4	1
Outparcels	0	0
Dwelling Units	0	150
Nonresidential Gross Floor Area	0	1,000 sq. ft.
Variation	No	No
Subtitle 25 Variance	No	Yes, Section 25-122(b)(1)(G)

The subject PPS was accepted for review on October 21, 2024. Pursuant to Section 24-3305(e) of the Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee, which held a meeting on November 5, 2024, where comments were provided to the applicant. Revised plans were received on January 24, 2025 and January 29, 2025, which were used for the analysis contained herein.

2. **Previous Approvals**—There are no prior development approvals applicable to the subject property. If approved, a final plat of subdivision will be required pursuant to this PPS, prior to the approval of any permits.
3. **Community Planning**—Pursuant to Sections 24-4101(b)(1) and 24-3402(e)(1)(D)(iv) of the Subdivision Regulations, a major PPS shall be consistent with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and shall conform to all applicable area master plans, sector plans, or functional master plans. Consistency with Plan 2035 and conformance with the master plan are evaluated as follows:

Plan 2035

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks), to ensure that the needs of existing residents are met (page 20).

This application is consistent with multiple goals stated in Plan 2035. Plan 2035 also makes the following land use and housing and neighborhood goals that affect the subject property:

Direct future growth toward transit-oriented, mixed-use centers in order to expand our commercial tax base, capitalize on existing and planned infrastructure investments, and preserve agricultural and environmental resources (page 93).

Provide a variety of housing options—ranging in price, density, ownership, and type—to attract and retain residents, strengthen neighborhoods, and promote economic prosperity (page 181).

This application accomplishes this by providing a mix of uses and housing opportunities in close proximity to a commercial corridor, and by proposing transportation improvements along Brandywine Road.

Master Plan

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. The master plan recommends commercial land use on the subject property. The commercial land use designation is for retail and business areas, including employment such as office and service uses (page 31). The proposed use does not conform with the master plan recommended land use. Pursuant to Section 24-4101(b)(1), a PPS must conform to the area master plan. However, Section 24-4101(b)(3) of the Subdivision Regulations provides that the provisions of the County Zoning Ordinance supersede the recommendations of the master plan where the Prince George's County District Council has not imposed the respective corresponding zoning to implement the master plan recommendation. Staff find that, pursuant to Section 24-4101(b)(3), the District Council adopted zoning for the property that allows the uses proposed and therefore, the land use recommendation of the master plan is superseded.

The PPS is found to conform with the master plan policies and strategies that influence the site and its adjacency. These include upgrading Brandywine Road, sidewalks, a bike lane, and an interior pedestrian circulation system which all contribute to the realization of the vision of the master plan. Conformance with other provisions of the master plan, including policies and strategies that are found applicable to the PPS, are discussed throughout this technical staff report.

4. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that a stormwater management (SWM) concept plan has been approved by the Prince George's County

Department of Permitting, Inspections and Enforcement (DPIE). A SWM Concept Plan (23142-2023-SDC/P62427-2024-SDC) and an associated letter approved by DPIE, on July 1, 2024, were submitted with this PPS. The approved SWM concept plan shows two bio-swales, one micro-bioretenment facility, and two submerged gravel wetland facilities. The application design has changed from what was initially approved, and a draft SWM concept plan with the current design was submitted on January 24, 2025. A revised SWM concept plan, approval letter, which reflects the revised design of the PPS and TCP1 plans, is required prior to signature approval of the PPS.

Staff find that development of the site, in conformance with SWM concept approval and any subsequent revisions approved by DPIE, will ensure compliance with SWM policies, standards, and practices. Green building techniques and green infrastructure are highly encouraged. Therefore, this PPS satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

5. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the Subdivision Regulations, as they pertain to public parks and recreational facilities.

The Southern Area Aquatics and Recreation Complex is within 2.52 miles of the subject property; the Rose Creek Connector Trail is located 3.5 miles to the south; Accokeek East Park is located 4 miles to the west; and the Cosca Regional Park is within 4.5 miles to the northwest. There are no trails proposed, provided, or dedicated to serving this property. These existing facilities provide access to active recreation for future residents of this proposed development.

Section 24-4601 of the Subdivision Regulations, which relates to the mandatory dedication of parkland, provides for dedication of land, payment of a fee-in-lieu, and/or provision of recreational facilities to meet the recreational needs of residents of the subdivision. Based on the proposed density of development, 15 percent of the net residential lot area, 0.88 acre, is the required amount of land for dedication to the Maryland-National Capital Park and Planning Commission for public parks.

The recreational guidelines for Prince George's County also set standards based on population. Staff analysis has determined that the proposed project, as shown, will generate an additional 402 people in the local community. Per Section 24-4601(b)(4)(C)(i) of the Subdivision Regulations, the Prince George's County Planning Board may approve the provision of recreation facilities to meet the mandatory parkland dedication requirement if the proposed facilities will be equivalent or superior in value to the land, improvements, or facilities, that would have otherwise been provided under the requirements of Section 24-4601.

The PPS identifies a community clubhouse, outdoor play area, dog park, and open space areas. The open space primarily houses multiple SWM facilities, and the recreation amenities are proposed to be adjacent to these areas. A cost estimate submitted by the applicant indicates the outdoor play area will include a school-aged playground. The applicant shall provide recreation equipment details and cost estimates at the time of detailed site plan (DET), demonstrating facilities are sufficiently provided. The applicant's

statement of justification (SOJ) also notes that some of the facilities may be publicly accessible. Provisions for public accessibility shall be determined with the DET, and any public use easement shall be reflected on the final plat.

Based on the preceding findings, staff find the provision of mandatory dedication of parkland should be met through the provision of on-site recreational facilities, in accordance with Section 24-4601(b)(4)(C), subject to the conditions recommended in this technical staff report.

6. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), master plan, Zoning Ordinance, and Subdivision Regulations, to provide the appropriate transportation recommendations.

Master Plan Right-of-Way

The subject property has frontage along master-planned roadway Brandywine Road (C-513), which is identified as a collector roadway, with a recommended width of 80 feet of right-of-way. The PPS displays the right-of-way and proposes 19,094 square feet (0.438 acre) of dedication, in conformance with the master plan recommendation, to provide sufficient multimodal access improvements for the site.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends a bicycle lane and a 10-foot-wide side path along Brandywine Road. The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9 and 10):

- | | |
|------------------|--|
| 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. |
| Policy 4: | Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO <i>Guide for the Development of Bicycle Facilities</i>. |
| Policy 5: | Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles. |

The master plan includes the following recommendations:

- **Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.**
- **Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.**

Staff recommend the master-planned bicycle lane and side path be constructed along the property frontage of Brandywine Road. It is noted that in a meeting with staff, DPIE indicated a side path is not desired for this location at this time, which may be determined at the time of permitting. The recommended side path along Brandywine Road will provide a connection to the recommended internal sidewalk network, to include crosswalks and Americans with Disabilities Act-compliant curb ramps throughout the site. In addition, staff recommend direct and marked pathways be provided to all proposed recreational areas. Lastly, bicycle parking is recommended in all recreational areas. Staff find the proposed facilities meet the intent of the master plan's policies by providing road frontage improvements, continuous sidewalk connections, and accommodating multimodal use to and throughout the site.

Zoning Ordinance Development Standards - Access and Circulation

Section 27-6104 of the Zoning Ordinance provides a list of development standards that are applicable to the review of PPS development applications. In addition, Section 27-6200 of the Zoning Ordinance provides specific roadway access, mobility, and circulation requirements for the proposed development. The relevant sections are 27-6204, 27-6206, 27-6207, and 27-6208 which detail the requirements for vehicular, pedestrian, and bicycle cross-access.

Section 27-6204 of the Zoning Ordinance requires development applications to include a circulation plan, unless a site plan is provided detailing circulation. One full movement access point is proposed along Brandywine Road, and 5-foot-wide sidewalks are proposed along the perimeters of the internal road. The location of the site access point is shown on the PPS, and this access point is consistent with the SWM concept plan. At the time of DET, staff recommend that the applicant provide direct pedestrian connections to recreation areas and submit a bicycle and pedestrian plan to demonstrate the movement of all modes on-site. The applicant should also submit a circulation plan to evaluate on-site circulation, at the time of DET.

The applicant proposes one access point onto Brandywine Road, at the northeast corner of the property. The Zoning Ordinance allows for limited access along arterial roadways provided Section 27-6206(d) of the Zoning Ordinance is met, which requires the following:

(d) Vehicular Access Management

(1) Limitation on Direct Access Along Arterial and Collector Streets

Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:

- (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;**

The subject property only has frontage on Brandywine Road. Accordingly, alternative direct vehicular access is not possible.

- (B) Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and**

As noted above, the applicant proposes one access point.

- (C) The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or it is determined that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.**

The site generates less than 1,000 trips and will provide a single two-way driveway to access the site.

Staff find the criteria to be met, to allow the site access as proposed.

Section 27-6206(d)(3) encourages shared driveways; however, in the applicant's SOJ, the applicant contends that sharing driveways with the uses abutting the subject property will be infeasible. The applicant notes that the property to the west is fully wooded and not readily available to share a driveway, and that it would impair circulation for the existing incompatible uses to the north and west, which currently share a driveway. Staff agree with the applicant's assertion regarding sharing the driveway with the abutting uses to the north and west of the site (a place of worship and a single-family detached dwelling). However, in accordance with Section 27-6206(e)(2) of the Zoning Ordinance, properties in nonresidential base zones must also provide vehicular cross access to the boundary of an abutting vacant property in a nonresidential zone. The internal circulation of the site, included on the tree conservation plan, reflects an access road will stub approximately 15 feet from the abutting property line to the west. Establishing cross access may provide additional opportunities to support the proposed on-site limited commercial use, and the opportunity for future development of the abutting property to the west to share driveway access from the subject site without creating the need for an additional driveway. Cross access and shared driveway should be further reviewed at the time of DET, for feasibility.

Regarding Sections 27-6207 and 27-6208 of the Zoning Ordinance, the opportunity for and details of pedestrian and bicycle cross-access should also be determined at the time of DET. The applicant intends to request a waiver to the requirements for pedestrian cross-access at

the time of DET. At the time of DET, the applicant will be required to submit a bicycle and pedestrian facilities plan demonstrating the location and extent of the facilities.

Based on the preceding findings, staff find access and circulation for the proposed development to be sufficient, as it pertains to this PPS review. The vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision, meet the required findings of Subtitle 24, and conform to the MPOT and master plan, with the recommended conditions.

7. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). The master plan contains a chapter titled “Chapter VII, Public Facilities” that identifies the following goals:

- **Needed public facilities are provided at locations that effectively and efficiently serve the existing and future population.**
- **Schools operate at 100 percent of capacity or less to provide an effective, quality learning environment.**
- **Priority is given to funding public facilities to support development in the Developing Tier policy area.**
- **All new public facilities are constructed to LEED (Leadership in Energy Efficiency and Design) standards or the equivalent and existing buildings will be retrofitted to make them energy efficient.**

The proposed development will not impede the achievement of the above-referenced goals of the master plan. This PPS is subject to Certificate of Adequacy ADQ-2023-033, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades and renovations to existing facilities and construction of new facilities, none of which affect this site.

The subject property is located in Planning Area 85A, which is known as Brandywine and Vicinity. The 2025–2030 Fiscal Year Approved Capital Improvement Program budget identifies one new construction project for this planning area:

- Brandywine Library at 8301 Dyson Road (3.71.0005)

Section 24-4405 of the Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. Prince George’s County Council Resolution CR-076-2023 placed this property in water and sewer Category 4, “Community System Adequate for Development Planning”. An administrative amendment will be required to advance the site to water and sewer Category 3 prior to final plat. In addition, the property is within Tier 2 of

the Sustainable Growth Act, and is within the Growth Boundary. Category 4 is sufficient for PPS approval.

8. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that PPS and final plats of subdivision be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents:

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

Section 24-4205 of the Subdivision Regulations sets forth the standard requirements for public utility easements (PUEs). PUEs must be at least 10 feet in width, located outside of the sidewalk, and must be contiguous to the right-of-way.

The subject site has frontage along the existing public right-of-way of Brandywine Road. The PPS shows a 10-foot-wide PUE along and contiguous to the right-of-way.

9. **Historic**—The master plan contains goals and policies related to historic preservation (pages 155–159); these are not specific to the subject site. However, several interpretive clusters have been identified in the master plan, based on the presence of archeological resources and their interpretive potential, including the T.B./Brandywine Cluster (page 157), in which this subject property is located:

6. **T.B./Brandywine Cluster: The core of this cluster centers on the historic communities of T.B. and Brandywine. Many dwellings, businesses, and farms were developed in the two communities during the 19th century. There is a potential for identifying archeological resources associated with the two communities.**

The subject property is made up of four parcels. The westernmost parcel (Parcel 47) can be traced back to ownership under William H. Grimes, in the mid-19th century. It can be traced to a larger tract of land called Woodlawn, containing approximately 109 acres. The remaining three parcels (Parcels 64, 186, and 92) that make up the east side of the study area trace back to a tract of land called “Locust Grove,” originally surveyed by Horatio Clagett in 1812, and sold to Bennett Gwynn in 1816. The eastern portion of the property contains the J. Henry and Margaret Murray Property (Documented Property 85A-043), a 20th-century farmstead.

A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites, indicates the probability of archeological sites within the subject property is high. A Phase I archeology survey was completed in November 2023.

A total of 121 shovel test pits were excavated across the study area. A total of 54 artifacts were recovered, all dating to the 20th century, and are associated with the J. Henry and Margaret Murray Property. One site, 18PR1257, was recorded. Due to the lack of intact soil

deposits and the paucity of artifacts recovered, no further work was recommended on Site 18PR1257.

Staff concur that no additional archaeological investigations are necessary on the subject property, and no further work is recommended.

- 10. Environmental**—Staff find that the PPS is in conformance with the environmental regulations in Sections 24-4101(b) and 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, as discussed herein. The following applications and associated plans were previously reviewed for the subject site:

Development Review Case	Associated Environmental Application	Authority	Status	Action Date	Resolution Number
NRI-079-2023	N/A	Staff	Approved	07/20/2023	N/A
PPS-2023-017	TCP1-031-2023	Planning Board	Pending	Pending	Pending

The project is subject to the 2024 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) environmental regulations and woodland conservation requirements contained in Subtitles 24, 25, and 27 because the application is for a new PPS that was accepted for review after July 1, 2024.

Environmental Site Description

No regulated environmental features (REF) or primary management area (PMA) such as wetlands, wetland buffer, stream bed, stream buffer, steep slopes, and floodplain have been identified within the property. The site lies within the Middle Potomac watershed associated with Piscataway Creek. The site is identified within the evaluation area, as designated in the Countywide Green Infrastructure Plan (GI Plan) of the 2017 *Approved Prince George’s County Resource Conservation Plan: A Countywide Functional Master Plan*. According to the Sensitive Species Project Review Area map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The on-site topography drains to the southwest, towards Brandywine Road. The site has frontage on Brandywine Road, which is identified as both historic and scenic, and as part of the “John Wilkes Booth Escape Scenic Byway.”

Plan 2035

The site is located within the Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and is within the Established Communities Growth Policy Area.

Environmental Conformance with Applicable Plans

Master Plan

The master plan contains environmental policies and strategies. The text in **BOLD** is text from the master plan, and the plain text provides comments on the plan’s conformance.

A. Green Infrastructure:

- **Implement the master plan's desired development pattern while protecting sensitive environmental features and meeting the full intent of environmental policies and regulations.**
- **Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.**
- **Protect, preserve, and enhance the identified green infrastructure network.**

The property is mostly wooded and mapped as evaluation area within the GI Plan except for small areas along Brandywine Road. There are no GI Plan regulated areas mapped on-site. The application area contains no REF, PMA, or special conservation areas.

The 2024 WCO requires priority to be placed on the preservation and planting of floodplain, wetlands, stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network. Since there are no REF on-site, the applicant proposes to preserve woodland and provide reforestation to meet the woodland conservation threshold on-site. The on-site woodlands are part of a larger 23-acre tract of contiguous woodlands. The site is required to provide bio-retention and infiltration by the approved SWM concept approval letter.

B. Water Quality, Stormwater Management (SWM), and Groundwater:

- **Encourage the restoration and enhancement of water quality in degraded areas and the preservation of water quality in areas not degraded.**
- **Protect and restore groundwater recharge areas such areas of streams.**

The application area contains no REF or PMA. The SWM design is required to be reviewed and approved by DPIE, to address surface water runoff issues in accordance with Subtitle 32 Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. The site has an approved SWM concept plan showing proposes bio-swales, a micro-bioretenention facility, and submerged gravel wetland facilities.

C. Watersheds:

- **Ensure that, to the fullest extent possible, land use policies support the protection of the Mattawoman Creek and Piscataway Creek watersheds.**

- **Conserve as much land as possible, in the Rural Tier portion of the watershed, as natural resource land (forest, mineral, and agriculture).**
- **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.**

This application is for construction of a residential subdivision on four wooded parcels containing one existing single-family dwelling. No environmentally sensitive areas such as REF or PMA are present on-site. Surface water runoff issues and the use of environmentally sensitive design are addressed on the approved SWM concept in accordance with Subtitle 32, Water Quality Resources and Grading Code. The subject property is located within Environmental Strategy Area 2, which was formerly the Developing Tier.

D. Chesapeake Bay Critical Area:

- **Enhance the County's Critical Area protection program in response to local, regional, and statewide initiatives and legislative changes.**

This property is not located in the Chesapeake Bay Critical Area.

2017 Green Infrastructure Plan

The GI Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), on March 7, 2017. According to the GI Plan, the site contains only evaluation areas within the designated network of the plan and no regulated areas. The conceptual design as reflected on the PPS and the TCP1 is in keeping with the goals of the GI Plan.

Other Environmental Review

Natural Resources Inventory

Section 27-6802 of the Zoning Ordinance requires an approved natural resources inventory (NRI) plan with PPS applications. Approved NRI-079-2023 was submitted with this PPS which shows the existing conditions of the property. The site contains no REF such as streams or wetlands and PMA. There are five specimen trees scattered around the existing residence and two off-site specimen trees. The TCP1 and the PPS show all the required information correctly in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size. TCP1-031-2024 was submitted with the PPS application. According to the TCP1, the gross tract area is 6.28 acres, with 5.15 acres of existing

woodlands resulting in a woodland conservation threshold of 0.94 acre (15 percent). The woodland conservation worksheet proposes the removal of 4.57 acres of woodlands for a woodland conservation requirement of 5.51 acres. The TCP1 worksheet proposes to meet the requirement with 0.55 acre of woodland preservation on-site, 0.39 acre of afforestation/reforestation on-site, and 4.57 acres of off-site woodland conservation credits. The NRI has identified five specimen trees on-site, and all five specimen trees are proposed for removal, as part of this application. The evaluation for the specimen tree removal variance is provided further in the technical staff report.

Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant submitted a SOJ dated January 29, 2025, concerning the reason that the on-site woodland could not be retained on-site. The woodland conservation worksheet on the submitted TCP1 shows a combination of on-site woodland preservation (0.55 acre) and reforestation (0.39 acre). The application has met the woodland conservation threshold of 0.94 acre all on-site, but will require the use of off-site woodland credits to meet the remaining woodland conservation requirement. The overall site contains 5.15 acres of woodland and proposes to clear 4.57 acres of woodland for a woodland conservation requirement of 5.51 acres. The on-site woodland areas do not contain any REF areas and are part of a large contiguous woodland area. The on-site woodlands to be preserved and lands to be reforested are located along the northern property line adjacent to the off-site woodland areas. Staff support the on-site woodland clearing and the request to use off-site woodland mitigation credits. No technical revisions to the TCP1 are required.

Specimen Trees

Section 25-122(b)(1)(G) of the WCO 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. 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 [Environmental] Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

Variance for Specimen Tree Removal

A Subtitle 25 Variance application, and a letter of justification (LOJ) dated January 23, 2025, was submitted for review with this application. The following analysis reviews the request to remove five specimen trees.

The subject property contains five specimen trees. The applicant requests the removal of all five specimen trees identified as ST-1, ST-2, ST-3, ST-4 and ST-7, to develop 150 two-family dwelling units and 1,000 square feet of non-residential uses with associated infrastructure of the property. The condition of all trees proposed for removal was identified as fair to

good. The TCP1 shows the location of the specimen trees proposed for removal for the development of the site and associated infrastructure.

As shown on the TCP1, specimen tree ST-5 is located off-site to the north of the application area. This tree is proposed to have 40 percent of its critical root zone impacted as part of this development. During the Type 2 tree conservation plan (TCP2) review, this tree will be further evaluated to determine if a specimen tree variance is required for this tree.

The LOJ addresses the required findings for the removal of five specimen trees. Section 25-119(d) contains six required findings (text in bold below) to be made before a variance to the WCO can be granted. An evaluation of this variance request, with respect to the required findings, is provided below. Staff support the removal of the five specimen trees requested by the applicant, based on these findings:

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

The property is a largely wooded site, with one vacant single-family house and accessory structures located central to the property. The single-family house and accessory structures are to be removed. The five specimen trees are located within close proximity to the existing single-family house proposed to be removed, and the existing road which runs along the property's frontage.

The applicant states that special conditions peculiar to the property have caused unwarranted hardship because of the it is an assemblage of four existing parcels resulting in a unique layout design, the location of the five specimen trees in close proximity to the existing residence, the removal of the existing residence, the zoning regulations, and providing SWM. The property is not irregular in shape and is rectangular as it fronts Brandywine Road and projects back away from the road to approximately 200 feet. The property tapers to a point at the back of the parcel where woodland preservation is proposed. The requirement to develop property in conformance with the zoning regulations for two-family residential dwellings and provide the required parking and circulation are not a special requirement peculiar to the property and are not considered a hardship. While the requirement to provide SWM is a requirement for any development in Prince George's County, and not considered peculiar to this property or an unwarranted hardship, the location and manner to provide the necessary SWM infrastructure may be peculiar to the site.

The NRI locates Specimen Trees ST-1, ST-2, ST-3, and ST-7 within forest Stand A, and ST-4 is the only specimen tree located in the maintained yard of the abandoned residence. All of the specimen trees are located within close proximity to the existing home structure, ranging from 10 feet to 40 feet in distance. In addition, the specimen trees are located close to Brandywine Road, within the developable parts of the property. Due to this close proximity, staff concur that retaining the five specimen trees and not impacting their critical root zone is not feasible due to the removal of the

existing residential structure and on-site grading required to provide adequate slope to drain the stormwater.

In relation to other properties in the area, special conditions peculiar to the property would cause an unwarranted hardship if the applicant were required to retain the five specimen trees identified as ST-1, ST-2, ST-3, ST-4, and ST-7, since razing the existing residential dwelling would significantly impact the trees and their critical root zones. The property does not have REF or PMA, and the five trees are located close to Brandywine Road within the developable part of the property. Two of the specimen trees (ST-1 and ST-2) are in fair condition and three specimen trees (ST-3, ST-4, and ST-7) are in good condition. The white oaks (ST-1, ST-2, ST-3 and ST-7) have limited construction tolerance when there are root zone impacts, and red maples have weak wood, and are not recommended near habitation or recreation.

The proposed use for the 150 two-family dwelling units and 1,000 square feet of non-residential use is a significant and reasonable use for the subject site within the CGO Zone. Requiring the applicant to retain these five specimen trees on the site would further limit the area of the site available for development to the extent that it would cause the applicant an unwarranted hardship.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas, as it would prevent the project from being developed in a functional and efficient manner.

Specimen trees grow to such a large size because they were left undisturbed on a site for sufficient time to grow; however, the species, size, construction tolerance, and location on a site are all somewhat unique for each site. The site contains five specimen trees (ST-1, ST-2, ST-3, ST-4, and ST-7), and the applicant is proposing to remove all five of these trees. These trees are adjacent to one on-site residential structure (uninhabited) that is proposed to be razed. Based on the location and species of the specimen trees proposed for removal, retaining the trees and avoiding disturbance to the critical root zone would have a considerable impact on the development potential of the property. If similar trees were encountered on other sites, they would be evaluated under the same criteria.

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

Granting the variance would not confer on the applicant a special privilege that would be denied to other applicants. All variance applications for the removal of specimen trees are evaluated in accordance with the

requirements of the 2024 WCO and the Environmental Technical Manual, for site-specific conditions. If other similar residential developments contained specimen trees with critical root zones near structures being razed or needed grading required for SWM, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no action leading to the conditions or circumstances that are the subject of the variance request. The request to remove the trees is solely based on the need to raze the existing residential structure as part of the development and surrounding area and trees will be impacted. These trees are requested for removal to achieve a reasonable development for a residential community with associated infrastructure.

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

There are no existing conditions, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the five specimen trees. The ST-1, ST-2, ST-3, ST-4, and ST-7 have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

The granting the variance to remove of five specimen trees will not adversely affect water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by the Prince George's County Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with State and local laws to ensure that the quality of water leaving the site meets the State standards to ensure that no degradation occurs.

The required findings of Section 25-119(d)(1) have been adequately addressed for the removal of five specimen trees identified as ST-1, ST-2, ST-3, ST-4 and ST-7. Staff recommend that the Planning Board approve the requested variance for the removal of five specimen trees, for development of the site.

Erosion and Sediment Control

Section 24-4303(d)(7) of the Subdivision Regulations requires approval of a concept grading, erosion, and sediment control plan by the Prince George's County Soil Conservation District prior to final approval of the PPS, if required by Subtitle 32: Water Resources Protection and Grading Code, of the County Code. The County Code requires the approval of an erosion and sediment control plan. A copy of the unapproved plan was submitted with the PPS. The TCP1 must reflect the ultimate limits of disturbance (LOD), not only for the installation of permanent site infrastructure, but also for the installation of all temporary

infrastructure, including erosion and sediment control measures. The approved concept grading, erosion, and sediment control plan shall be submitted prior to signature approval of the TCP1. A copy of the erosion and sediment control technical plan must be submitted with the TCP2, so that the ultimate LOD for the project can be verified and shown on the TCP2.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board shall restrict, or prohibit, the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible, prone to significant movement, deformation (factor of safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.

According to the United States Department of Agriculture, Natural Resource Conservation Service Web Soil Survey, soils present include Aquasco silt loam, Beltsville silt loam, and Ingleside sandy loam. Marlboro and Christiana clays are not found to occur on this property.

- 11. Urban Design**—This application proposes one parcel for development of 150 two-family condominium dwelling units and accessory 1,000 square feet of limited commercial development.

The following requirements of the Zoning Ordinance apply to development of the site, and those specifically applicable to the review of the PPS are discussed further below:

Prince George's County Zoning Ordinance

A DET is required for this development, in accordance with Section 27-3605(a)(1) of the Zoning Ordinance. The use proposed for this property, in the CGO Zone, is permitted per Section 27-5101(d) of the Zoning Ordinance. Conformance with the applicable regulations of the CGO Zone, and the development standards contained in Part 27-6 of the Zoning Ordinance, is required and will be evaluated at the time of DET review.

Pursuant to Section 27-6403 of the Zoning Ordinance, mixed-use development located in the CGO Zone is required to provide 7.5 percent of open space set-aside area. The subject property is approximately 6.28 acres and is required to provide approximately 0.47 acre (or 20,473 square feet) of open space. An exhibit submitted with the subject PPS shows the location of open space set-aside area and indicates approximately 56,057 square feet (22 percent) of area is provided within the subject site. The stated open space set-aside amount, in conformance with Section 27-6400 of the Zoning Ordinance, will be further evaluated at the time of DET review.

Noise Controls

The proposed development is subject to the noise control standards contained in Section 27-6810 of the Zoning Ordinance. Section 27-6810(d) of the Zoning Ordinance states the following:

“Residential lots and uses that are adjacent to existing or planned streets classified as arterial or higher shall demonstrate that outdoor activity areas are mitigated to 65 dBA during the hours of 7:00 a.m. and 10:00 p.m., and

55 dBA during the hours of 10:00 p.m. to 7:00 a.m., and that interior noise levels are mitigated to 45 dBA or less through the submission of a noise study prepared and signed by a professional engineer with competence in acoustical engineering.”

The site is not adjacent to existing or planned streets classified as arterial or higher; however, it is located in the vicinity of MD 5 (Branch Avenue), a freeway right-of-way. The applicant submitted a Phase I noise analysis for an adjacent property, associated with PPS 4-16016, to exhibit the effects of the noise generated by the roadway in the vicinity of the subject site. The study indicates that the northwest area of the property is affected by upper-level noise exceeding 65 dBA. However, the study was conducted in 2020 and was for an abutting property. Since then, factors like the traffic volume and patterns may have changed. A noise study will be required with the DET when the location and construction of materials for buildings are provided, and the location of recreational facilities is determined, to demonstrate complete noise analysis and any mitigation needed to achieve conformance with the noise standards of Section 27-6810(d). Since this PPS is proposed for one parcel, the lotting pattern is not affected by the result of noise impacts; however, the appropriate location of buildings and other site features may require modification from those currently anticipated, as determined with the review of the DET.

Conformance with the 2018 Prince George’s County Landscape Manual and Tree Canopy Coverage Ordinance

The proposed development is subject to the requirements of the 2018 *Prince George’s County Landscape Manual*. Conformance with the applicable landscaping requirements will be determined at the time of DET review.

Prince George’s County Council Bill CB-21-2024, for the Tree Canopy Coverage Ordinance, became effective July 1, 2024. Subsequently, 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 propose more than 2,500 square feet of gross floor area, or disturbance, and requires a building or grading permit. The subject site in the CGO Zone is required to provide a minimum of 15 percent of the net tract area to be covered by tree canopy. Compliance with this requirement will be evaluated at the time of DET review.

- 12. Citizen Feedback**—At the time of the writing of this technical staff report, the Prince George’s County Planning Department had not received any written correspondence from members of the community regarding this project.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS):
 - a. Revise the general note on the PPS to indicate that the mandatory dedication of parkland requirement is being addressed by providing on-site recreation facilities.

- b. Provide the revised approved stormwater management concept plan, approval letter, and any required design changes reflected on the PPS and Type 1 tree conservation plan.
2. Development of the site shall be in conformance with Stormwater Management Concept Plan 23142-2023-SDC/P62427-2024-SDC and any subsequent revisions.
3. Prior to approval, the final plat of subdivision shall include:
 - a. The granting of a 10-foot-wide public utility easement along the abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. Right-of-way dedication along Brandywine Road, as delineated on the approved preliminary plan of subdivision.
4. In accordance with Section 24-4601(b)(4)(C) of the Prince George's County Subdivision Regulations, the applicant and the applicant's heirs, successors, and/or assignees shall allocate appropriate and developable areas for, and provide, adequate on-site recreational facilities.
5. The on-site recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division of the Prince George's County Planning Department, for sufficiency and proper siting, in accordance with the Park and Recreation Facilities Guidelines, with the review of the detailed site plan (DET). Timing for construction and public accessibility and use of the facilities, including appropriate provisions for public access, shall also be determined at the time of DET review.
6. Prior to submission of the final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit an executed private recreational facilities agreement (RFA), for approval, to the Development Review Division (DRD) of the Prince George's County Planning Department, for construction of on-site recreational facilities. Upon approval by DRD, the RFA shall be recorded among the Prince George's County Land Records, and the Book and page of the RFA shall be noted on the final plat, prior to plat recordation.
7. Prior to approval of building permits for residential development, 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 construction of recreational facilities.
8. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-031-2024). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-031-2024, or most recent revision), 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 and Wildlife Habitat Conservation Ordinance (WCO). 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."

9. Prior to issuance of the first permit for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

10. At the time of the Type 2 tree conservation plan review, and in accordance with Section 25-119(d)(7)(B) of the 2024 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance, amended by Prince George's County Council Bill CB-020-2024, the mitigation method (on-site individual tree planting or fee-in-lieu) for the replacement of the seven specimen trees shall be determined. If on-site tree planting is used to meet the replacement requirement, then these tree replacements shall be placed into a woodland conservation easement.
11. In accordance with Section 27-6204 of the Prince George's County Zoning Ordinance, the applicant and the applicant's heirs, successors, and/or assignees shall provide a circulation plan to demonstrate pedestrian, bicycle, and vehicular movement throughout the site, at the time of detailed site plan review.
12. In accordance with the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* and the 2009 *Approved Countywide Master Plan of Transportation*, the applicant and the applicant's heirs, successors, and/or assignees shall submit a bicycle and pedestrian facilities plan detailing the locations and extent of the following facilities, at the time of detailed site plan review:
 - a. A minimum 5-foot-wide bicycle lane along the property frontage of Brandywine Road, unless modified by the permitting agency with written correspondence, in accordance with any Prince George's County Department of Public Works and Transportation adopted standards.
 - b. A minimum 10-foot-wide side path along the property frontage of Brandywine Road, unless modified by the permitting agency with written correspondence, in accordance with any Prince George's County Department of Public Works and Transportation adopted standards.
 - c. A minimum of 5-foot-wide internal sidewalks.
 - d. Continental-style crosswalks at the vehicular access point and throughout the site, with associated Americans with Disabilities Act curb ramps.
 - e. A minimum of two bicycle racks (inverted-U style) at the recreational area.
13. In accordance with Section 27-6810(d) of the Prince George's County Zoning Ordinance, the detailed site plan submission shall include a Phase II noise analysis for the subject site. The Phase II noise study shall include the final locations of the residential buildings, outdoor

activity areas, and any necessary noise mitigation features to ensure conformance with Section 27-6810(d) of the Zoning Ordinance.

14. Prior to signature approval of the Type 1 Tree Conservation Plan (TCP1-031-2024), provide the approved concept grading, erosion, and sediment control plan in accordance with Section 24-4303(d)(7) of the Prince George's County Subdivision Regulations.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision PPS-2023-017
- Approval of Type 1 Tree Conservation Plan TCP1-031-2024
- Approval of a Variance to Section 25-122(b)(1)(G)