

R E S O L U T I O N

WHEREAS, J & A Builders is the owner of a 1.51-acre parcel of land known as Parcels 15 and 148, Tax Map 125 and Grid C-2, said property being in the 9th Election District of Prince George's County, Maryland, and being zoned R-80; and

WHEREAS, on June 3, 2004, J & A builders, Inc. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 lots; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04062 for Brandywine Road was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 7, 2004, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on October 7, 2004, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED Preliminary Plan of Subdivision 4-04062, Brandywine Road for Lots 1-4 with the following conditions:

1. Prior to the issuance of each building permit, the applicant shall pay to Prince George's County the following share of costs for improvements to the Brandywine Road/Surratts Road intersection and the link of Surratts Road between Brandywine Road and Beverly Lane:
 - a. A fee calculated as $\$1,760/\text{residence} \times (\text{Engineering News-Record Highway Construction Cost Index at time of payment}) / \text{Engineering News-Record Highway Construction Cost Index for March, 2003}$.
 - b. Provide two through lanes and an exclusive left-turn lane along southbound Brandywine Road.
 - c. Provide an exclusive left-turn lane and a shared right-turn/left-turn lane along westbound Surratts Road.
2. At the time of final plat approval, the applicant shall dedicate a right-of-way along Brandywine Road of 40 feet from centerline, as shown on the submitted plan.
3. Prior to the issuance of building permits, the applicant, his heirs, successors and/or assignees shall

provide a financial contribution of \$210.00 to the Department of Public Works and Transportation for the placement of a bikeway sign along Brandywine Road, designated a Class III bikeway. A note shall be placed on the final plat for payment to be received prior to the issuance of the first building permit.

4. The applicant, his heirs, successors and/or assignees shall provide standard sidewalks along the property's entire road frontage unless modified by the Department of Public Works and Transportation at the time of issuance of street construction permits.
5. Prior to the issuance of permits, the applicant, his heirs, successors and/or assignees shall have the scrap tires hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt shall be turned in to the Health Department.
6. Prior to final plat approval, any abandoned well and septic system shall be backfilled, pumped and/or sealed in accordance with COMAR 26.04.04. If there are no wells and/or septic systems, a note shall be placed on the plat accordingly.
7. Development shall be in conformance with the approved Stormwater Management Concept Plan #13283-2004-00.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located on the west side of Brandywine Road, approximately 1,000 feet south of its intersection with Thrift Road and 300 feet north of Symposium Way.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	R-80	R-80
Uses	Vacant	Single-family homes
Acreage	1.51	1.51
Lots	0	4
Parcels	2	0
Detached Dwelling Units	0	4

4. **Environmental**—The property has no streams, wetlands or 100-year floodplain. This property is located in the Potomac River watershed. No areas of steep slopes with highly erodible soils or areas of severe slopes have been found to occur on the property. There are no nearby sources of traffic-generated noise. The proposed development is not a noise generator. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Leonardtown series.

Marlboro clay is not found to occur in the vicinity of this property. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic or historic roads in the vicinity of the property. The site is in the Developing Tier according to the approved General Plan.

Woodland Conservation

The forest stand delineation dated July 29, 2004, indicates that there is no forest on the property. A tree conservation plan is not required. A letter of exemption will be required as part of the application for any grading or building permits. No further action regarding woodland conservation is required with regard to this preliminary plan of subdivision review.

Soils

According to the Prince George's County Soil Survey, the principal soils on the site are in the Leonardtown series. The most significant limitations associated with these soils include high water tables and impeded drainage that would have the greatest impact on sites requiring septic systems, however, public water and sewer are proposed. A soils report may be required by the Prince George's County Department of Environmental Resources during the permit process review.

Stormwater Management

Although this falls under the purview of the Department of Environmental Resources, a copy of the approved stormwater management concept plan was submitted for review by the Environmental Planning Section. The concept plan shows the appropriate use of low-impact development techniques for water quantity and water quality control.

Water and Sewer Categories

The property is in water and sewer categories W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. It will be served by public systems.

5. **Community Planning**—This property is located in the Developing Tier as described in the 2002 General Plan. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is not inconsistent with the 2002 General Plan Development Pattern policies for the Developing Tier.

The 1993 Subregion V Master Plan recommends residential land use at the suburban density of up to 3.5 dwelling units per acre. The 1993 Subregion V SMA classified this property in the R-80 Zone. The proposed preliminary subdivision conforms to recommendations of the master plan

for suburban residential land use.

6. **Parks and Recreation**—The property is subject to the mandatory park dedication requirements of Section 24-134 of the Subdivision Regulations. Pursuant to Section 24-135, staff recommends the applicant pay a fee-in-lieu of dedication because the size and location of land available is inappropriate for dedication or private recreational facilities.
7. **Trails**—One master plan trail recommendation impacts the subject site. The adopted and approved Subregion V Master Plan designates Brandywine Road as a pedestrian/bicycle corridor. The master plan also designates Brandywine Road as a Class III bikeway and recommends appropriate signage. Much of the existing road is open section. Sidewalks are fragmented and are absent in many areas, particularly along the west side of the road. Sidewalks primarily exist along the east side of the road where road frontage improvements have been made. Staff recommends the provision of a standard sidewalk to accommodate pedestrians along the subject site's road frontage and the provision of "share the road" signs for on-road bicycle traffic. If additional road frontage improvements are required, staff recommends the provision of paved shoulders or a wide curb lane to safely accommodate bicycle traffic.

Sidewalk Connectivity

In the vicinity of the subject site, much of existing Brandywine Road does not include sidewalks. Where frontage improvements have been made, sidewalks have been added. The current aerial photos reflect where sidewalks do and do not exist in the vicinity of the subject site.

8. **Transportation**—The subject property is not large enough to warrant a traffic study. There is plenty of data in the area that has been provided in support of several larger applications along Brandywine Road. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better.

Unsignalized intersections: The *Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the

applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

Through the review of past cases, including preliminary plans for Simmons Ridge, Saddle Creek, Buckler Property, White Property, and Walls Property, the Planning Board has found that nearby intersections along Brandywine Road operate unacceptably when considering growth and approved development with existing traffic. In response to the issues of adequacy, the Planning Board has, in connection with the adequacy findings associated with the CIP improvements, allowed developments to pay a pro-rata share toward improvements along Brandywine Road and Surratts Road. These improvements, as described in an item included in the county CIP, include improvements at the Brandywine Road/Surratts Road and the Brandywine Road/Thrift Road intersections along with widening of the adjacent links of Brandywine Road and Surratts Road. Funding by developers is an instrumental part of the funding required to complete the improvements.

Due to the limited trip generation of the site, the Prince George's County Planning Board could deem the site's impact at this location to be de minimus. With four residences, the site would generate 3 AM and 4 PM peak-hour trips, and the definition of de minimus in the guidelines indicates that the site is eligible because this application is "a development which generates five or fewer peak-hour trips." Nonetheless, the use of a de minimus finding is purely discretionary, and given the Planning Board's action regarding the five recent cases referenced above, it is recommended that the same condition as recommended by the Planning Board for the other cases be considered for the subject case as well.

Staff has, therefore, reviewed recent traffic data at nearest intersections to the subject site. The following conditions exist at the critical intersections:

EXISTING TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
Brandywine Road/Surratts Road	1,452	1,535	E E

The area of background development includes 20 properties in the vicinity of the subject property. Background conditions also assume the widening of Surratts Road between Beverly Drive and Brandywine Road. Given that the project is shown in the current county Capital Improvement Program (CIP) with 100 percent funding within six years, traffic studies in the area have included this improvement as a part of the background condition. While this improvement has an unusually long history of full funding in the CIP without being constructed, there are actions being taken to commit county and developer funding to get this improvement constructed soon. This improvement is particularly important to traffic circulation in the area. Widening the link of Surratts Road eastward from Brandywine Road is anticipated to provide an outlet for traffic using Brandywine Road. Also, the intersection improvements at Brandywine

Road/Surratts Road that are a part of this CIP project are important because this intersection currently operates poorly in both peak hours.

Given the assumptions of approved development, growth, and the CIP project, the following background traffic conditions were determined:

BACKGROUND TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
Brandywine Road/Surratts Road	1,106	1,192	B C

The application is a plan for a residential subdivision consisting of four single-family detached residences. The proposed development would generate 3 AM (0 in, 3 out) and 4 PM (3 in, 1 out) peak-hour vehicle trips as determined using *The Guidelines for the Analysis of the Traffic Impact of Development Proposals*. With site traffic, the following operating conditions were determined:

TOTAL TRAFFIC CONDITIONS			
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)
Brandywine Road/Surratts Road	1,108	1,194	B C

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

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

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

Brandywine Road is a master plan collector facility with a proposed right-of-way of 80 feet. The plan reflects adequate dedication of 40 feet from centerline.

Transportation Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions.

At the hearing, the applicant proffered to pay a pro-rata share of the costs for improvements to the Brandywine Road/Surratts Road intersection and the link of Surratts Road between Brandywine Road and Beverly Lane. The applicant also proffered to pay a pro-rata share of \$2,057 per dwelling unit. The Planning Board accepted these proffers.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003.

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster 3	High School Cluster 3
Dwelling Units	4 sfd	4 sfd	4 sfd
Pupil Yield Factor	0.24	0.06	0.12
Subdivision Enrollment	0.96	0.24	0.48
Actual Enrollment	4096	4689	8654
Completion Enrollment	180.48	86.22	158.07
Cumulative Enrollment	300.96	83.52	167.04
Total Enrollment	4578.40	4858.98	8979.59
State Rated Capacity	4214	5114	7752
Percent Capacity	108.65%	95.01%	115.84%

Source: Prince George's County Planning Department, M-NCPPC, December 2003

County Council bill CB-31-2003 establishes a school facilities surcharge in the amount of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings.

This project meets the adequate public facilities policies for school facilities contained in Section 24-122.02, CB-30-2003 and CB-31-2003, and CR-23-2003. The school surcharge may be used

for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public fire and rescue facilities.
 - a. The existing fire engine service at Clinton Fire Station, Company 25, located at 9025 Woodyard Road, has a service travel time of 2.81 minutes, which is within the 5.25-minute travel time guideline.
 - b. The existing ambulance service at Clinton Fire Station, Company 25, has a service travel time of 2.81 minutes, which is within the 6.25-minute travel time guideline.
 - c. The existing paramedic service at Clinton Fire Station, Company 25, has a service travel time of 2.81 minutes, which is within the 7.25-minute travel time guideline.

These findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. The proposed subdivision will be within the adequate coverage area of the nearest existing fire/rescue facilities for fire engine, ambulance and paramedic services.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is capacity for additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**—The Health Department noted the presence of domestic trash and scrap tires on the property. The trash and debris must be disposed of properly. The tires must be hauled by a licensed scrap tire hauler to a licensed scrap tire disposal/recycling facility. A receipt must be turned in to the Health Department. The Health Department reminds the applicant that raze permits are required prior to demolition of any structure on the site. The Health Department also noted the existence of a shed on the property. If the shed houses a well and/or septic system, they must be pumped, backfilled and/or sealed in accordance with COMAR 26.04.04.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. Stormwater Management Concept Plan #13283-2004-00 has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. This plan incorporates the low-impact development technique. The approval is valid through May 27, 2007. Development must be in accordance with this approved plan or any revisions thereto.

14. **Cemeteries**—There are no known cemeteries on or adjoining the subject property, nor is it likely that archeological investigation would reveal evidence of slave dwellings or burials. However, the applicant should be aware that if burials are found during any phase of the development process, development activity must cease in accordance with state law.
15. **Public Utility Easement**—The preliminary plan includes the required ten-foot-wide public utility easement parallel and contiguous to all public rights-of-way. The easement will be shown on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Eley, with Commissioners Squire, Eley, Vaughns, Harley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, October 7, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of November 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk