

R E S O L U T I O N

WHEREAS, Paul A Gwynn Trust is the owner of a 19.11-acre parcel of land known as Parcel 30, recorded in the Prince George's County Land Records in Liber 22896 folio 307, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Townhouse (R-T); and

WHEREAS, on May 6, 2019, Shield Investments, LLC filed an application for approval of a Preliminary Plan of Subdivision for 104 lots and 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-18017 for The Enclave at Brandywine 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 10, 2019, for its review and action in accordance with the Land Use Article of the 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 10, 2019, 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 Type 1 Tree Conservation Plan TCP1-004-2019, and further APPROVED Preliminary Plan of Subdivision 4-18017 for 104 lots and 4 parcels, with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
 - a. Create a fifth parcel containing approximately 1.7 acres of the subject property, consistent with Staff Exhibit 'A', and label as dedication to the Maryland-National Capital Park and Planning Commission (M-NCPPC) and revise the acreage for Parcel A accordingly.
 - b. Show the proposed property lines for Parcel C, where Parcel C meets the private road (Parcel D), in the northwest and southwest corners of the site.
2. A substantial revision to the mix of uses on the subject property that affects Subtitle 24 adequacy findings, as set forth in this resolution of approval, shall require the approval of a new preliminary plan of subdivision prior to the approval of any building permits.

3. Total development within the subject property shall be limited to uses, which generate no more than 73 AM and 83 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 Concept Plan (57206-2018-0) and any subsequent revisions.
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 (DSP). 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), in Upper Marlboro, Maryland.
 - b. All waste matter of any kind shall be removed from the property by the developer, 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 DSP. 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 DSP.
 - 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 building permit for each dwelling unit, a fee calculated as \$1,338 multiplied 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 Prince George's County Council Resolution CR-9-2017, shall be determined. 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. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Standard sidewalks along both sides of all internal roads, unless modified by Prince George's County Department of Public Works and Transportation/Prince George's County Department of Permitting, Inspections and Enforcement.
8. Prior to 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, 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. A standard sidewalk and associated curb ramps along the westside of General Lafayette Boulevard from the site's northern property line to Chadds Ford Drive, as shown on the bicycle and pedestrian impact statement exhibit.
9. 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 improvements approved with PPS 4-18017, consistent with Section 24-124.01(f) of the Subdivision Regulations.
10. At the time of final plat, ± 1.7 acres of parkland, as shown as Staff Exhibit 'A', shall be conveyed to M-NCPPC. The land to be conveyed shall be subject to the following conditions:
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, in Upper Marlboro, Maryland, along with the application of the first final plat.
 - b. With the exception of the master plan trail (or other improvements associated therewith) within the area to be dedicated to M-NCPPC, M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.

- d. With the exception of the improvements depicted on the TCP1 for utilities and stormwater facilities, the land to be conveyed shall not be disturbed, or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). Other than the improvements depicted on the TCP1 for utilities and stormwater facilities, if the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary, or required by M-NCPPC development approval process. The bond, or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks, prior to applying for grading permits.
 - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures (with the exception of any existing underground utilities) shall be removed. DPR shall inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.
 - f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to, or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to, or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - g. With the exception of the improvements depicted on the TCP1 for utilities and stormwater facilities, no storm water management facilities, or tree conservation, or utility easements shall be proposed on land owned by, or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance, and easement agreements shall be required, prior to issuance of grading permits.
11. Prior to acceptance of a detailed site plan, the applicant shall submit to Prince George's County Department of Parks and Recreation for review, construction plans for an eight-foot-wide asphalt trail connection from the existing asphalt hiker/biker trail located to the north, on the adjacent Maryland-National Capital Park and Planning Commission property, to the proposed sidewalk along the west side of the General Lafayette Boulevard right-of-way.
12. 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 of the Development Review Division, 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 both sides of the area to be dedicated for General Lafayette Boulevard and either side of the internal private streets, in accordance with the approved preliminary plan of subdivision.
 - c. The final plat shall reflect 100 feet of right-of-way dedication along General Lafayette Boulevard, in accordance with the approved preliminary plan of subdivision.
 - d. 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.”
13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-004-2019. 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, TCP1-004-2019, 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. Prior to approval of permits 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.”
15. Prior to issuance of any permits, which impact wetlands, wetland buffers, streams, or waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property is currently known as Parcel 30, recorded in the Prince George's County Land Records in Liber 22896 folio 307, and has never been the subject of any previous preliminary plan of subdivision (PPS). This PPS approves 104 lots and 4 parcels for the development of 104 single-family attached townhouse units in the Townhouse (R-T) Zone. The four approved parcels include three open space parcels (Parcels A-C), and one private road parcel (Parcel D).

The subject property was placed in the R-T Zone as a result of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), which rezoned the property from the Rural Residential (R-R) Zone to the R-T Zone. During review of the subject PPS, the Planning Board considered the applicability of Section 27-223(i) of the Zoning Ordinance, to the proposed PPS application. Section 27-223(i) states if not classified as R-T prior to the initiation of the SMA, that no property may be zoned R-T, except where the most recent SMA involving the property was approved prior to 1990, unless: 1) The proposed development on the property to be rezoned to R-T will consist of one-family attached metropolitan dwelling units; or 2) the property to be rezoned to R-T is located within a mixed-use activity center designated as "Transit Village" in the applicable Area Master Plan. Section 27-223(i) essentially creates a conditional zoning scenario, for which the rezoning of a property to the R-T Zone would require the development of one-family attached metropolitan dwelling units.

Upon further review of Section 27-223(i) of the Zoning Ordinance, and as detailed in a memorandum from Legal Counsel dated July 10, 2019 (Borden and Dumais to Checkley), incorporated by reference herein, it was determined that the limiting of the use of a property to one-family attached metropolitan dwelling units through the rezoning of a property in a SMA would not be allowed by state law, as such a condition would constitute conditional zoning outside the scope of the zoning map amendment process. Given the determination that Section 27-223(i) is not legally enforceable, the subject PPS has been reviewed and is found to be in compliance with the requirements for the "Townhouse, all others" use, as established in Section 27-442 of the Zoning Ordinance.

The applicant 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 two specimen trees, with this PPS. However, the specimen trees, which are to be removed, are located off-site, for which a Subtitle 25 variance is not required. The variance request was subsequently withdrawn on September 17, 2019, and discussion on the specimen trees is further detailed in the Environmental finding.

3. **Setting**—The property is located on Tax Map 154 in Grid F-4 and is within Planning Area 85A. The property is 19.11 acres, and is located south of General Lafayette Boulevard, approximately 850 feet southwest of the intersection of General Lafayette Boulevard and Chadds Ford Drive. The site is currently undeveloped and covered mostly by wooded areas.

The site is bounded by single-family detached dwellings in the Residential Medium Development (R-M) Zone to the north; by a vacant, undeveloped Commercial Shopping Center (C-S-C) Zone parcel to the east, with Clymer Drive beyond; and by properties developed with single-family residential dwellings in the R-R Zone to the south and west.

4. **Development Data Summary**—The following information relates to the subject PPS and the approved development.

	EXISTING	APPROVED
Zone	R-T	R-T
Use(s)	Vacant	Single-Family Attached
Acreage	19.11	19.11
Lots	0	104
Outparcels	0	0
Parcels	1	4
Dwelling Units:	0	104
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 May 17, 2019.

5. **Community Planning**—The *Plan Prince George's 2035 Approved General Plan* (Plan 2035) locates the subject site in the Established Communities area. The vision for the Established Communities is context-sensitive infill and low- to medium-density development.

Master Plan

The Subregion 5 Master Plan and SMA (CR-80-2013) recommends Residential Medium-High land use on the subject property, with a density of between eight and twenty dwelling units per acre, and a mix of dwelling unit types including apartments (page 31). This PPS includes 104 townhouse dwelling units on a net tract area of 17.48 acres, for a density of 5.9 dwelling units per acre. While the density is beneath the recommended density range outlined in the master plan, the maximum allowed density for townhouses in the R-T Zone is 6.0 dwelling units per acre, pursuant to the regulations of the R-T Zone found in Section 27-442. In addition, the master plan recommends a major collector roadway, MC-502, through the subject property, which is shown to be dedicated on the PPS. This road is a segment of the loop road that will allow

residents to circulate through the Brandywine Community/Town Center without needing to drive on MD 5 (Branch Avenue).

Sectional Map Amendment/Zoning

The Subregion 5 Master Plan and SMA, SMA Change No. 11 (CR-81-2019) reclassified the subject property from the R-R Zone to the R-T Zone, consistent with the master plan's recommendations for development within the Brandywine Community Center.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the Subregion 5 Master Plan and SMA because the townhouse development is a recommended future land use on the subject site, and the application proposes the extension of General Lafayette Boulevard, MC-502, through the subject property in accordance with the master plan.

6. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan (57206-2018-0) and approval letter were submitted with the subject application and were approved on April 5, 2019, with conditions requiring the use of micro-bioretenment and a fee-in-lieu of providing on-site attenuation for stormwater runoff. The concept approval expires April 5, 2022. Development shall conform with the SWM concept approval and any subsequent revisions to ensure no on-site or downstream flooding occurs.
7. **Parks and Recreation**—This PPS has been reviewed and evaluated for conformance with the requirements and recommendations of the Subregion 5 Master Plan and SMA; the 2017 *Land Preservation, Parks and Recreation Plan* for Prince George's County; the *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*; and the Subdivision Regulations as they pertain to public parks and recreation facilities.

The subject property is a 19.11-acre, R-T zoned vacant property located west of Clymer Drive in Brandywine, Maryland. Adjacent M-NCPPC parkland is located at the northeast and southeast corners of this property. Master plan roadway General Lafayette Boulevard will be provided with a northeast/southwest alignment through the eastern portion of the property, bisecting the property into a proposed developed western portion and an undeveloped eastern portion. The PPS provides a 104-unit, single-family attached residential development with private on-site recreational facilities for the western portion of this property. On the eastern portion, the applicant will provide passive homeowners association open space encumbered by woodland conservation easements outside of the 100-year floodplain.

Per Section 24-134(a)(1) of the Subdivision Regulations, the mandatory dedication of parkland requirement for this subdivision is 1.31 acres of land usable for active and/or passive recreation. There is a high need for both parkland and recreation facilities in the area of this SE Park Community. A shared roadway trail (MC-502) is proposed along General Lafayette Boulevard according to the area master plan. In addition, paved hiker/biker trails exist on adjacent Prince George's County Department of Parks and Recreation parkland on both the northeastern and the southeastern sides of this property.

While the applicant proposed onsite recreational facilities to meet the mandatory dedication of parkland requirement, the Planning Board approved that the applicant dedicate approximately 1.7 acres of the subject property for the provision of meeting the dedication of parkland requirement, as shown on Staff Exhibit 'A'.

Specifically, the applicant shall dedicate the 1.63 acres of 100-year floodplain area on the eastern edge of the property and a 30-foot-wide strip of parkland dedication connecting the floodplain area to the General Lafayette Boulevard right-of-way, as shown on Staff Exhibit 'A'. This window shall be located opposite the subdivision's northern interior roadway intersection with the proposed master plan General Lafayette Boulevard roadway. This will enable the connection of existing parkland to the northeast with existing parkland to the southeast. In addition, it will allow for the construction of a trail connection from the trail located on the adjacent northeastern M-NCPPC property, to the trail located on the adjacent M-NCPPC property to the southeast. This dedication and subsequent trail construction would allow M-NCPPC to facilitate the vital, and currently absent, connecting segment of the Rose Creek Connector Trail in this area. Construction of a connector trail from the existing trail on the northern M-NCPPC property to the sidewalk along General Lafayette Boulevard shall be provided in order to provide pedestrian access from the subject subdivision to the existing trail system in existing parkland.

8. **Trails**—The site is covered by the MPOT and Subregion 5 Master Plan and SMA. Due to the site's location partially within 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." A bicycle and pedestrian impact statement scoping meeting was conducted with the applicant on July 18, 2017. Per Section 24-124.01(c), the site has a cost cap of \$31,200 for the 104 townhouse units.

Master Plan Conformance

One master plan trail impacts the subject property with the Subregion 5 Master Plan and SMA recommending a trail along General Lafayette Boulevard. This trail has been constructed along the east side of the road to the north of the subject site. The applicant is constructing the western half of the ultimate right-of-way to serve the subject site, and the master plan trail will be provided along the east side of General Lafayette Boulevard when the full road is built either through future development, or with a Department of Public Works and Transportation capital improvement plan project.

The Complete Streets section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians and provision of complete streets:

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.

Consistent with the policies of the MPOT, standard sidewalks are provided along both sides of all internal roads. The cross section submitted with this PPS includes these sidewalks, but the configuration of the perpendicular on-street parking and the sidewalk may need to be evaluated at the time of DSP to ensure that the parking doesn't encroach into the pedestrian zone.

Review of the Proposed Off-Site Improvements:

The applicant has proffered a sidewalk connection along a half-section of General Lafayette Boulevard between the subject site and Chadds Ford Drive. This sidewalk will connect the subject site to the surrounding community and its network of sidewalks and trails. The Planning Board supports off-site improvements proffered by the applicant.

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

The off-site sidewalk proffered by the applicant will provide a safe and accessible pedestrian route from the subject site to the existing residential community to the north. It will also provide the future residents of the subject site with access to existing trails to the north and the at-grade crossing to the Brandywine Crossing commercial center.

Finding of Adequate Bicycle and Pedestrian Facilities:

Based on requirements and criteria contained in Section 24-124.01 and the sidewalks proposed by the applicant on- and off-site, the Planning Board finds the bicycle and pedestrian facilities are adequate to serve the subject property. The sidewalk proffered by the applicant will accommodate safe pedestrian access from the subject site to the abutting residential neighborhood. The sidewalk will also provide future residents of the site with access to the area's trail network. The off-site improvement proffered is within the specified cost cap in Section 24-124.01(c) and improves the sidewalk network consistent with the guidance of Section 24-124.01(d).

9. **Transportation**—The PPS is required to subdivide an existing parcel into 104 lots to support the development. Transportation-related findings related to adequacy are made with this PPS, along with any determinations related to dedication, access, and general subdivision layout. Access and circulation are provided by means of private streets and driveways from existing public roadways. Because this subdivision is expected to generate more than 50 peak-hour trips, a traffic impact study (TIS) was submitted and reviewed with this PPS.

The subject property is located within Transportation Service Area 2, as defined in Plan 2035. As such, the subject property is evaluated according to the following standards:

Links and Signalized Intersections: Level of Service D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6), is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the "Transportation Review Guidelines, Part 1."

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.

Analysis of Traffic Impacts

This PPS is for a residential subdivision. 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:

Trip Generation Summary: 4-18017: Enclave at Brandywine								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Townhouses	104	residences	15	58	73	54	29	83
Total Proposed Trips			15	58	73	54	29	83
Recommended Trip Cap					73			83

A March 2019 TIS was submitted and accepted as part of this PPS. The following tables represent results of the analyses of critical intersections under existing, background and total traffic conditions.

EXISTING TRAFFIC CONDITIONS				
Intersection		Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)
US 301/MD 5 and Matapeake Business Drive		1,095	1,541	B E
US 301/MD 5 and Chadds Ford Drive		1,161	1,423	C D
Chadds Ford Drive and General Lafayette Boulevard		10.9*	10.8*	-- --
*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 Guidelines, 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.				

None of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." Background traffic has been developed for the study area using 18 approved, but unbuilt developments within the study area. A two percent annual growth rate for a period of six years has been assumed. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and Matapeake Business Drive	1,564	2,269	E	F
US 301/MD 5 and Chadds Ford Drive	1,607	2,065	F	F
Chadds Ford Drive and General Lafayette Boulevard	13.4*	15.9*	--	--
*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 Guidelines, 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 following critical intersections, interchanges and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the “Transportation Review Guidelines, Part 1” including the site trip generation as described above, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and Matapeake Business Drive	1,565	2,270	E	F
US 301/MD 5 and Chadds Ford Drive	1,631	2,084	F	F
Chadds Ford Drive and General Lafayette Boulevard	21.2*	16.1*	--	--
*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 Guidelines, 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 lieu of providing improvements to the failing intersections noted above, the subject site is required to contribute to the Brandywine Road Club (recommended pursuant to CR-9-2017), as a means of satisfying the adequacy requirements of Section 24-124. The critical intersections of US 301/MD 5 and Matapeake Business Drive and US 301/MD 5 and Chadds Ford Drive are two of the intersections 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). For each townhouse residence, a fee calculated as \$1,338 (adjusted for inflation) per unit is required to satisfy the requirements of the Brandywine Road Club.

Master Plan Site Review

General Lafayette Boulevard (MC-502) is a master plan major collector roadway with a proposed width of 100 feet. The plan reflects this right-of-way correctly, and it shall be shown and dedicated at the time of final plat.

Access and circulation are acceptable. The details of the private street sections are included on the plan. These sections are acceptable and will be further reviewed in the context of the DSP when that application is submitted.

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

10. **Use Conversion**—The total development included in this PPS is for 104 single-family attached dwellings in the R-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 this 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.
11. **Schools**—This PPS has been reviewed for impact on school facilities, in accordance with Section 24-122.02. An analysis was conducted, and the results are as follows:

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

Affected School Clusters #	Elementary School Cluster #6	Middle School Cluster #6	High School Cluster #6
Dwelling Units	104	104	104
Pupil Yield Factor	0.145	0.076	0.108
Subdivision Enrollment	15	8	11
Actual Enrollment in 2018	4,795	1,923	2,471
Total Enrollment	4,810	1,931	2,482
State Rated Capacity	6,401	2,490	3,754
Percent Capacity	75%	78%	66%

Section 10-192.01 of the Prince George’s County Code establishes school facilities 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.

12. **Public Facilities**—In accordance with Section 24-122.01 of the Subdivision Regulations, 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 September 6, 2019 (Saunders Hancock to Davis), incorporated by reference herein.
13. **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 (PUE) is 10 feet wide along both sides of all public rights-of-way. The property currently abuts the southern terminus of a currently platted, but unbuilt portion of the 100-foot-wide public right-of-way General Lafayette Boulevard. This public right-of-way is a master plan major collector roadway, MC-502, which runs through the subject property. This PPS includes right-of-way dedication for the southwestern extension of General Lafayette Boulevard, which will bisect the subject property in order to provide access to the proposed townhouse development. The application requires a PUE on both sides of the proposed extended General Lafayette Boulevard and the required PUEs have been delineated 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 locates a PUE on one side of the development’s private right-of-way parcel, Parcel D, and the this required PUE has been delineated on the PPS.

14. **Historic**—The subject property was once part of Pheasant’s Thicket (documented property 85A-022), a late 18th to early 19th-century plantation established by Zadock Robinson and occupied through the early 20th century by members of the Robinson family. The manor house was located approximately 500 feet northeast of the subject property. A Phase I archeological survey was requested by the Historic Preservation Section’s archeologist, and the Phase I survey was conducted on the subject property in April 2019. A total of seven artifacts, including bottle and vessel glass, porcelain, and a possible nail were recovered. The few materials found were clustered and did not suggest a dwelling or other building or feature. As a result, no sites were recorded.

The Planning Board finds that no additional archeological investigations are necessary on the subject property. There are no historic sites or resources on, or adjacent to the subject property. This proposal will not impact any historic sites or resources or significant archeological sites.

15. **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-171-2018	N/A	Staff	Approved	2/5/2019	N/A
4-18017	TCP1-004-2019	Planning Board	Approved	10/10/2019	19-116

Proposed Activity

This PPS is approved for 104 townhouse lots, interior roadways, and a master-planned road with various SWM structures.

Grandfathering

The project is subject to the current regulations of Subtitles 25 (2010 Woodland and Wildlife Habitat Conservation Ordinance) and Subtitle 27 that came into effect on September 1, 2010 and February 1, 2012 because the application is for a new PPS.

2013 Subregion 5 Master Plan and Sectional Map Amendment

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

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

POLICY 2: Ensure the new development incorporates open space, environmental sensitive design, and mitigation activities.

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

The project site does contain regulated environmental features, woodland areas, and elements of *The Countywide Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Countywide Green Infrastructure Plan). The site is required to provide bio-retention and infiltration per the approved SWM Concept Letter (57620-2018-02). Impacts to regulated environmental features have been limited to those required, or only necessary for development, such as one stormwater outfall and a sewer line connection. Conformance with the Countywide Green Infrastructure Plan is discussed in a following section.

POLICY 4: Encourage restoration and enhancement of water quality in degraded areas and the preservation of streams.

POLICY 5: Protect and restore groundwater recharge areas such as wetlands and headwater areas of streams.

This PPS is for the construction of a residential subdivision on a fully wooded parcel. The SWM design is required to be reviewed and approved by the Department of Permitting, Inspections and Enforcement (DPIE) to address surface water runoff issues, in accordance with Subtitle 32, the Water Quality Resources and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. An approved SWM Concept Plan (57620-2018-02) and associated approval letter were submitted with this PPS. The concept plan shows the entire development and proposes to construct 18 micro-bioretenment facilities and 2 submerged gravel wetlands. The application proposes one stormwater outfall, one sewer line, and one water line connection that will impact the 100-year floodplain and stream buffer. No wetlands or streams would be directly affected by the proposed concept.

POLICY 6: Ensure that, to the extent that is possible, land use policies support the protection of the Mattawoman Creek.

POLICY 7: Conserve as much land as possible, in the Rural Tier portion of the watershed as natural resource land (forest, mineral, and agriculture).

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 site is within the Mattawoman Creek watershed and not in the Rural Tier. All of the development will be outside environmentally sensitive areas except for impacts for a new stormwater outfall and to tie into an existing sewer manhole. The remaining sensitive areas will be preserved.

POLICY 9: Enhance the County's Critical Area protection management in response to local, regional, and statewide initiatives and legislative changes.

The subject property is not located in the Chesapeake Bay Critical Area.

POLICY 10: Reduce air pollution through transportation demand management (TDM) projects and programs.

POLICY 11: Promote "climate-friendly" development patterns through the planning processes and land use decisions.

POLICY 12: Increase awareness of the sources of air pollution and green-house gas emissions.

Air quality is a regional issue that is currently being addressed by the Council of Governments.

POLICY 13: Encourage the use of green building techniques that reduce resource and energy consumption.

This instant PPS does not include the review of buildings on the site. The development applications for the subject property that will require architectural approval should incorporate green building techniques and the use of environmentally sensitive building techniques to reduce overall energy consumption. The use of green building techniques and energy conservation techniques are encouraged to be implemented to the greatest extent possible.

POLICY 14: Ensure that excessive noise-producing uses are not located near uses that are particularly sensitive to noise intrusion.

The 104 townhouse lots are located off General Lafayette Boulevard (not constructed at this time), which is designated as a master-planned major collector roadway. This development will not generate enough traffic to produce noise above the state standard.

Conformance with the Green Infrastructure Plan

According to the *Countywide Green Infrastructure Plan*, the whole site is within either a regulated, or an evaluation area within the designated network of the plan. The regulated area contains a perennial stream, associated stream buffers and adjacent woodlands. Impacts are proposed within both the regulated and evaluation areas for the proposed residential development.

The following policies support the stated measurable objective of the *Countywide Green Infrastructure Plan*. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

POLICY 1: Preserve, protect, enhance, or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject site is within either a regulated or evaluation area, both of which are fully wooded. Any development within the on-site woodland will impact a portion of the green infrastructure network. However, based on the review of this PPS, the areas of highest priority are to be preserved.

POLICY 2: Preserve, protect, and enhance surface and ground water features and restore lost ecological functions.

As discussed in previous sections, the site has an approved stormwater concept, which addresses surface water runoff issues in accordance with Subtitle 32, the Water Quality Resources and Grading Code. The PMA associated with this application are located along the eastern boundary of the site. The application proposes one stormwater outfall structure and one sewer connection that will impact the PMA and the remaining PMA will be preserved woodlands. A water line connection is requested in the PMA statement of justification (SOJ); however, the connection is not shown on the plans and will be further evaluated in detail with the DSP.

POLICY 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

The 2002 General Plan has been superseded by Plan 2035. The property is subject to the WCO. The overall site contains a combined total of 19.11 acres of net tract and floodplain woodlands. The plan proposes to clear 15.44 acres of net tract woodland and 0.16 acre of wooded floodplain. The site will have approximately 8.68 acres of woodland conservation requirement mostly provided through off-site woodland conservation and some on-site preservation.

Environmental Review

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

Natural Resource Inventory Plan/Existing Features

An approved Natural Resources Inventory (NRI-171-2018), which included a detailed forest stand delineation (FSD), was submitted with the application. The site is fairly flat along the western portion of the site and then sloping to the east towards the on-site stream system. The site contains areas of 100-year floodplain, streams, wetlands, and their associated buffers. This site contains 17.48 acres of net tract woodlands, 1.63 acres of 100-year floodplain woodlands and one specimen tree.

Woodland Conservation

This property is subject to the provisions of the 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. A Type 1 Tree Conservation Plan (TCP1-004-2019) was submitted with the preliminary plan application.

The overall site contains a total of 17.48 acres of net tract woodlands, 1.63 acres of 100-year floodplain woodlands and has a woodland conservation threshold of 3.50 acres (20 percent). This site proposes to clear 15.44 acres of woodland, 0.16 acre of 100-year floodplain woodlands, and 0.07 acre of off-site woodlands resulting in a woodland conservation requirement of 8.68 acres. The TCP1 shows that the requirement will be met with 2.04 acres of on-site preservation, 0.47 acre of on-site reforestation, and 6.17 acres of off-site woodland conservation.

During the Subdivision and Development Review Committee meeting on May 17, 2019, a trail was recommended along General Lafayette Boulevard and through the on-site PMA area south toward an existing trail connection. The trail alignment should be collocated with the proposed utility connections to the extent possible.

Specimen Trees

This PPS will not impact any on-site specimen trees as part of the development. A proposed master-planned roadway has been shown to access the subject property. This roadway has not been constructed at this time and is located across land owned by others. There are two specimen trees that will be removed as part of the construction of the master-planned access road (General Lafayette Boulevard), for which no Subtitle 25 variance is required.

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

Impacts to regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage and water lines, road crossings for required street connections, and outfalls for SWM facilities. Road crossings of

streams and/or wetlands may be appropriate if placed at the location of an existing crossing, or at the point of least impact to the regulated environmental features. SWM outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, SWM facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site, in conformance with County Code.

The master-planned roadway, which will access the subject property, has not been constructed at this time and is located across land owned by others. There are regulated environmental features located within this proposed master-planned right-of-way that will be impacted as part of the road construction. The impact of this roadway construction is not part of this application.

According to the TCP1, impacts to the PMA are to construct one SWM outfall structure, one sewer line, and one water line connection. An SOJ was received with the application on April 17, 2019, for the impacts to the PMA and stream buffer.

Statement of Justification

The SOJ includes a request for two separate PMA impacts totaling 10,245 square feet (0.24 acre), or approximately 12 percent of the 1.95 acres of PMA mapped on the property. The submitted PMA impact SOJ contains an impact table with totals that do not show the correct total impact areas, and the impact exhibits do not show the proposed water line that is described in the SOJ. This report summary adjusted the totals to the corrected numbers.

Analysis of Impacts

Based on the revised SOJ, a total of two impacts were requested as described below:

Impact 1: Water/Sewer Connection

Impacts to the PMA related to the water and sewer connection account for 1,202 square feet of stream/wetland buffer and 3,074 square feet of 100-year floodplain for a total of 4,246 square feet of PMA impact.

The sewer line is within proposed General Lafayette Boulevard and goes downhill through the PMA to the existing sewer line and connects to an existing manhole. This proposed sewer line will service the entire subdivision with sanitary sewer. The PMA impact request also includes an off-site loop water line connection to an existing water line at the end of Clymer Road.

The sewer connection is unavoidable and is necessary to convey sanitary sewage from the subdivision to the existing sewer line manhole. Additional information regarding the proposed water line connection must be provided with the DSP. The impacts associated with the sewer connection are approved.

Impact 2: Stormwater Outfall Structure

Impacts to PMA related to the proposed stormwater outfall structure account for 1,280 square feet of wetlands buffer, 928 square feet of wetlands, 3,791 square feet of floodplain, 2,208 square feet

of stream/wetland buffer, 3,791 square feet of 100-year floodplain, and 4,532 square feet of total PMA impact. The proposed stormwater line receives from several stormwater facilities and roadside stormdrains. This stormdrain line is within the General Lafayette Boulevard extension and goes downhill through the PMA to an outfall, and on to the on-site stream system.

The stormwater outfall impact is unavoidable and is necessary to safely convey stormwater to the on-site stream system. DPIE has reviewed and approved the outfall design and location. The stormwater outfall structure impact is approved.

Based on the level of design information available at the present time, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible, based on the need for a sewer connection and to safely convey stormwater.

16. **Urban Design**—Conformance with the following Zoning Ordinance regulations is required for the development at the time of DSP review, including, but not limited to the following:
- a. Section 27-433 regarding requirements in the R-T Zone;
 - b. Section 27-441(b) regarding the Table of Uses for the R-T Zone;
 - c. Section 27-442 regarding regulations in the R-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), and the following will be reviewed at the time of DSP:

- 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; and
- e. Section 4.10, Street Trees along Private Streets.

While the application appears to meet the spacing requirements of the Landscape Manual, based upon the lot layout provided, there are concerns about the site's conformance with the requirements of Sections 4.6, 4.7, and 4.10. The approved layout shows stormwater facilities within the locations where Sections 4.6 and 4.7 bufferyards may be located. In addition, the street sections, as proposed, would require alternative compliance from the requirements of Section 4.10 for the private streets due to the location of the sidewalk directly adjacent to the roadway. As the subject site is large enough to accommodate the necessary improvements, the DSP should reflect a site layout, which addresses the requirements of the respective sections of the Landscape Manual and eliminates the need for alternative compliance.

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 project that proposes more than 5,000 square feet of GFA, or disturbance, and requires a grading permit. Properties zoned R-T are

required to provide a minimum of 15 percent of the gross tract area in tree canopy coverage. The subject site is 19.11 acres in size and requires 2.87 acres of tree canopy coverage. Compliance with this requirement will be further evaluated at the time of DSP review.

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 date of notice of the adoption of this Resolution.

* * * * *

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 Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 10, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 31st day of October 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

EMH:JJ:CD:gh