



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

PGCPB No. 2021-04

File No. 4-20002

## RESOLUTION

WHEREAS, Walton Maryland is the owner of an 80.94-acre parcel of land known as Parcel 1A, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Residential Townhouse (R-T); and

WHEREAS, on July 9, 2020, D.R. Horton filed an application for approval of a Preliminary Plan of Subdivision for 196 lots and 16 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-20002 for Dobson Ridge 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 January 7, 2021, 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 January 7, 2021, 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 APPROVES Type 1 Tree Conservation Plan TCP1-013-2020, and further APPROVES Preliminary Plan of Subdivision 4-20002 for 196 lots and 16 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised to:
  - a. Delineate and label a 10-foot-wide public utility easement along McKendree Road.
  - b. Indicate the existing dwelling located in the northeast area of the property is to be razed.
  - c. Consolidate the contiguous areas to be conveyed to the Maryland-National Capital Park and Planning Commission into one parcel.
2. At the time of final plat, in accordance with Section 24-134(a)(4) of the Prince George's County Subdivision Regulations, approximately 47 +/- acres of parkland as shown on the preliminary plan of subdivision (Parcels M, N and P) shall be conveyed to The Maryland-National Capital Park and Planning Commission (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, Upper Marlboro, along with the application of first final plat.
  - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, trails, sewer extensions, adjacent road improvements, drains, sidewalls, 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. 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). 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 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. In general, no stormwater management facilities, tree conservation, or utility easements shall be located on land owned by, or to be conveyed to, M-NCPPC. However, DPR recognizes that there may be need for conservation, or utility easements in the dedicated M-NCPPC parkland. Prior to the granting of any easements, the applicant must obtain written consent from DPR. DPR shall review and approve the location and/or design of any needed easements. Should the easement requests be approved by DPR, a performance bond, maintenance and easement agreements may be required prior to the issuance of any grading permits.
3. The applicant and the applicant's heirs, successors, and/or assignees shall construct the Timothy Branch and Mattawoman Creek Master Planned Trails on The Maryland-National Capital Park and Planning Commission's property or an alternative on-site location as determined at the time of detailed site plan (DSP), subject to the following:

- a. The Master Planned Trails Material and width shall be determined at the time of DSP.
  - b. The Master Planned Trails shall be designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
  - c. The timing of construction of the trails shall be determined with the approval of the DSP.
4. Prior to a submission of a final plat of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall submit three original, executed Public Recreational Facilities Agreements (RFA) for the construction of any Master Planned Trails on-site for approval by the Prince George's County Department Parks and Recreation (DPR). Upon approval by the DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, with the recording reference noted on the final plat prior to plat recordation.
5. 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 (detailed in the applicant's BPIS Exhibit), in accordance with Section 24-124.01 of the Prince George's County Subdivision Regulations ("Required Off-Site Facilities"), have (a) full financial assurances, (b) been permitted for construction through the applicable operating agency's access permit process, and (c) an agreed-upon timetable for construction and completion with the appropriate agency:
  - a. McKendree Road and Lavender Dream Lane: crosswalk across north leg of McKendree Road, crosswalk across Lavender Dream Lane, one new ramp along McKendree Drive, two pedestrian-crossing signs along McKendree Road at the edges of the crosswalk.
  - b. McKendree Road and Desert Peace Court: crosswalk across south leg of McKendree Road, crosswalk across Desert Peace Court, one new ramp along McKendree Road, two pedestrian-crossing signs along McKendree Road at the edges of the crosswalk.
  - c. McKendree Road and English Point Lane: crosswalk across English Point Lane, crosswalk across McKendree Road, Americans with Disabilities Act ramps on both sides of McKendree Road, and two pedestrian-crossing signs along McKendree Road at the edges of the crosswalk.
  - d. McKendree Road and Dawn Chorus Lane: crosswalk across Dawn Chorus Lane.
6. Prior to the acceptance of a detailed site plan, an exhibit shall be provided that illustrates the location, limits, specifications, and details of the off-site pedestrian and bicyclist adequacy facilities approved with this Preliminary Plan of Subdivision 4-20002, consistent with Section 24-124.01(f) of the Prince George's County Subdivision Regulations.

7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
  - a. Prior to the approval of the first building permit for the subject property, the applicant, and the applicant's heirs, successors, and/or assignees shall provide \$420 to the Prince George's County Department of Permitting, Inspections, and Enforcement for the placement of one R4-11 bikeway signage assembly along the subject site frontage of McKendree Road.
  - b. A shared lane marking (sharrow) along the subject site frontage of McKendree Road, unless modified by the Prince George's County Department of Permitting, Inspections, and Enforcement, with written correspondence.
8. Prior to approval of the detailed site plan, the applicant shall update plans and provide an exhibit displaying the location, limits, specifications, and details displaying:
  - a. The Timothy Branch Trail to be located outside the primary management area, to the extent practical.
  - b. The Mattawoman Creek Trail to be located outside the primary management area, to the extent practical.
  - c. A minimum of two Inverted-U bicycle racks, or racks that provide two points of contact for supporting and securing a parked bicycle.
  - d. Minimum five-foot-wide sidewalks along the subject site frontage of McKendree Road and along both sides of all internal roads, excluding alleys.
9. Prior to approval of a final plat:
  - a. The final plat shall include the grant of 10-foot-wide public utility easements along the public and private rights-of-way.
  - b. The applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that a homeowners association has been established for the subdivision. The draft covenants shall be submitted to the Subdivision and Zoning Section to ensure that the rights of The Maryland-National Capital Park and Planning Commission are included. The Liber/folio of the declaration of covenants shall be noted on the final plat, prior to recordation.
  - c. The final plat shall include the dedication of 18 feet of right-of-way for the portion of MC-502 along the property's northeastern boundary.

10. Prior to approval of a building permit for each townhouse dwelling unit, a fee calculated as \$1,338 multiplied by (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.
11. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan shall be revised as follows:
  - a. Add a trail symbol and label to the legend.
  - b. Replace the trail notes with "General location of Master Plan Mattawoman Creek Trail" and "General location of Master Plan Timothy Branch" as applicable. Remove the sentence "The alignment and construction of this trail will be completed by M-NCPPC under a separate plan".
  - c. Label the sanitary sewer easement on sheet 2 of 3.
  - d. Add the missing property information for 16401 McKendree Road.
  - e. Remove forest stand boundary lines from plan view.
  - f. Have the revised plan signed and dated by the qualified professional preparing the plan.
12. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for approved impacts, and 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 compliance with an approved Type 1 Tree Conservation Plan (TCP1-013-2020). The following notes shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-013-2020), or as modified by a future 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/Tree Preservation Policy."

14. Prior to the 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 the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
16. Prior to approval of building permits, the applicant and the applicant’s heirs, successors, and/or assignees shall convey, to the homeowners association, land as identified on the approved preliminary plan of subdivision and detailed site plan. Land to be conveyed shall be subject to the following:
- a. A copy of the recorded deed for the property to be conveyed shall be submitted to the Subdivision and Zoning Section of the Development Review Division.
  - b. All waste matter of any kind shall be removed from the property, 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 or 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 the association shall be in accordance with an approved site plan and tree conservation plan. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and stormdrain outfalls.
  - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to the association. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by the Development Review Division.
  - f. The Prince George’s County Planning Board, or its designee, shall be satisfied that there are adequate provisions to ensure retention and future maintenance of the property to be conveyed.

17. Any nonresidential development of the subject property shall require approval of a new preliminary plan of subdivision prior to issuance of any permits.
18. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (8768-2020-0) and any subsequent revisions.
19. Unless waived pursuant to Section 24-122.01(f) of the Prince George's County Subdivision Regulations, prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$976,668 (\$4,983 x 196 dwelling units). The per unit factor of \$4,983 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

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 located south of McKendree Road, approximately 500 feet west of US 301 (Robert Crain Highway) in Brandywine, Maryland. The property is known as Parcel 1A, described by deed recorded in Liber 43157 folio 444 and consists of 80.94 total acres in the Residential Townhouse (R-T) Zone. The site is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan). This preliminary plan of subdivision (PPS) includes 196 lots and 16 parcels for the development of single-family attached development. There is an existing, abandoned single-family detached dwelling in the northeast corner of the site, which is to be razed. The proposed development is subject to a PPS, in accordance with Section 24-107 of the Prince George's County Subdivision Regulations.
3. **Setting**—The property is located on Tax Map 164 in Grid F2, in Planning Area 85A, and is zoned R-T. The site is bounded to the east by single-family detached dwellings and accessory structures in the Commercial Miscellaneous (C-M) Zone. The property directly to the west of the subject site contains an access driveway for properties further to the west and is in the Residential Agricultural (R-A) Zone. McKendree Road abuts the site to the north, and beyond McKendree Road to the north are single-family detached dwellings in the R-T and Rural Residential Zones, and commercial development in the C-M Zone. The property's southern boundary acts as Prince George's County's border with Charles County. More than half of the site's acreage is occupied by environmentally sensitive areas, as a result of Mattowoman Creek, which runs along the properties southern border, and Timothy Branch Creek, which is on the western portion of the property.

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

	EXISTING	APPROVED
Zone	R-T	R-T
Use(s)	Vacant	Residential
Acreage	80.94	80.94
Lots	0	196
Parcels	1	16
Dwelling Units	1	196
Gross Floor Area	N/A	N/A
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard at the Subdivision and Development Review Committee (SDRC) meeting on July 27, 2020.

5. **Previous Approvals**—No prior approvals are associated with this site.
6. **Community Planning**—The subject site is within the area of the master plan, which reclassified the property from the R-A to the R-T Zone. Conformance with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and master plan are evaluated as follows:

**Plan 2035**

The application is in the Established Communities Growth Policy area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (page 20).

**Master Plan Conformance**

The master plan recommends a future land use of residential medium-high for the subject property. The residential medium-high land use recommends residential areas between 3.5 and 8 dwelling units per acre with a mix of dwelling unit types, including apartments. The density for the proposed development is approximately 5.86 dwelling units per acre. Prince George's County Council Bill CB-29-2019 was enacted on September 17, 2019 and permits townhouse development in the R-T Zone.

Pursuant to Section 24-121(a)(5) of the Subdivision Regulations, this application conforms to the master plan.

7. **Stormwater Management**—An approved Stormwater Management (SWM) Concept Plan and approval letter (8768-2020-0), reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) were submitted with the subject application. According to the plan, two submerged gravel wetlands, five micro-bioretenion



facilities, and one grass swale are proposed to provide stormwater retention and attenuation on-site. The concept letter also indicates the payment of a SWM fee-in-lieu will be required. The concept approval expires July 31, 2023. Development of the site shall conform with the SWM concept approval, and any subsequent revisions, to ensure no on-site or downstream flooding occurs.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of the approved master plan, the Land Preservation, Parks and Recreation Program (LPPRP) for Prince George’s County, and the 2013 *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space*, as they pertain to public parks and recreational facilities.

The subject property is not adjacent to any existing Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland. There are several developed facilities in the immediate area, and they include the Rose Creek Connector Trail (on the north side of McKendree Road), and Accokeek East Park (approximately 4.5 miles to the west), which includes soccer fields, basketball courts, loop trail, picnic shelter and a playground. Approximately 3.25 miles northeast is the Southern Aquatic Recreation Complex, which contains the newly constructed state of the-art, multi generation center. In addition, M-NCPPC owns several disjointed smaller parcels two miles to the west and one mile to east, which is designated as the beginning assemblages of the Mattawoman Stream Valley Park.

As per the approved master plan, there is a 50-acre Community Park designated as short-term need along McKendree Road at its intersection with US 301.

In accordance with Section 24-134(a) of the Subdivision Regulations, at the time of PPS, a residential subdivision is required to provide mandatory dedication of parkland to M-NCPPC. Based on the density proposed with this application, 4.05 acres of mandatory parkland dedication suitable for active recreation would be required.

However, Section 24-134(a)(4) of the Subdivision Regulations also provides guidance with regards to the dedication of the stream valley as follows:

**When land is shown for preservation as part of a stream valley park on an official master plan, such land may be dedicated or preserved in lieu of active recreation, provided that the Planning Board finds that there is a reasonable amount of active recreation in the general area and that any trails shown on the master plan are provided.**

The Prince George’s County Department of Parks and Recreation (DPR) staff discussed the mandatory parkland dedication requirement with the applicant. DPR staff recommended that since the subject property contains over 47 acres of 100-year floodplain and over 48 acres of environmental regulated features constituting the primary management area (PMA), that this area be dedicated by the applicant to M-NCPPC for conservation and preservation of natural resources, in partial fulfillment of the provisions of Section 24-134(a)(4). In addition,

Mattawoman Creek has been designated as highly sensitive environmental feature as evidenced by the designation of a Mattawoman Creek Special Conservation Area, just west of the subject property as shown on the master plan.

The applicant provided plans which show 52.41 acres of land to be dedicated to M-NCPPC. Approximately 5.1 acres are outside of 100 year-floodplain and designated PMA and the applicant is proposing woodland conservation within that area. Also indicated on the plans is a very conceptual alignment of the two master planned trails through the property within the PMA, and notes that the trails are to be built by M-NCPPC. In order to satisfy the requirements of Section 24-134(a)(4), however, the Planning Board finds that the applicant is also required to construct the trails.

As per the adequacy finding of Trails provided further below, the applicant is required to build the two trails. Therefore, because staff also determined that there is a reasonable amount of active recreation in the general area, Section 24-134(a)(4) is satisfied by the applicant's agreement to dedicate the land and construct the trails.. At the Planning Board hearing, the Board also accepted the applicant's request to reduce the proposed area to be dedicated to M-NCPPC by the 5.1 acres outside of the PMA.

The dedication of the 47+/- acres and construction of the designated master plan trails will provide conformance to the master plan and mandatory dedication of parkland requirement. DPR staff coordinated discussions with the property owner adjacent to this project area for potential acquisition of parkland to satisfy the master plan recommendations for a 50-acre Community Park. DPR recommends that M-NCPPC seek a suitable location for the active recreation through potential acquisitions and/or with the future development applications for properties along McKendree Road.

DPR staff will work with the applicant and the Prince George's County Planning Department staff to determine the best possible location to construct the Timothy Branch and Mattawoman Creek Master Planned Trails on the subject site taking into account the sensitive environmental features and woodland conservation requirement. A more detailed analysis is needed to fully design and engineer the trails, so the exact location of the trails will be determined with the submission of the detailed site plan (DSP). The master planned trails will be constructed within a) dedicated parkland and/or b) along internal roads or open space parcels within the subdivision, within a Public Use Easement area.

9. **Trails**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the master plan, to provide the appropriate pedestrian and bicycle transportation facilities.

#### **Existing Conditions, Sidewalks and Bike Infrastructure**

The subject application seeks to develop an 80.94-acre parcel of land located slightly southwest of the intersection of McKendree Road and US 301, for the construction of 196 townhouse units. McKendree Road fronts the subject property and is a planned MPOT shared roadway. All vehicular access for the proposed location will use McKendree Road as the point of entry.

There are currently no sidewalk or bicycle facilities along the subject property's frontage of McKendree Road. The subject property fronts a small portion of US 301 along its southeast edge where no development is intended. A network of sidewalks is included in the PPS and serves the entire subject site. There are no dedicated bike lanes.

#### **Review of Master Plan Compliance**

This development case is subject to the MPOT, which recommends the following facilities:

- McKendree Road planned shared roadway

The applicant has indicated that the finding for shared lane markings and "share the road with a bike" signage along the subject property's frontage of McKendree Road is acceptable and will be coordinated with DPIE.

In addition, the following improvements are required:

- Construction of the Timothy Branch and Mattawoman Creek Planned hard surface trail

The submitted pedestrian exhibit depicts the approximate alignments for both the master plan trails, however, this exhibit also indicates that neither trail would be constructed as part of this development application. The submitted parks dedication exhibit illustrates the proposed stream valley buffer dedication and the useable park area dedication, which coincides with the depicted alignments for the master plan trails. The proposed dedicated area surrounding Timothy Branch and Mattawoman Creek is shown as designated PMA for this project. The stream valley dedication be designated as the PMA. The location of the master plan trails will be determined at the time of DSP. As a development subject to Section 24-124.01 of the Subdivision Regulations, pedestrian and bicycle adequacy is found to the degree of which pedestrian and bicycle facilities recommended in the approved master plan are implemented. Section 24-123 of the Subdivision Regulations details the general requirements for transportation and circulation within new subdivisions. Per Sections 24-121(a)(5) and 24-123(a)(6) of the Subdivision Regulations:

- (a) **The Planning Board shall require that proposed subdivisions conform to the following:**
  - (5) **The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant recommendations within the comprehensive plan no longer appropriate, is no longer applicable, or the District Council has not imposed the recommended zoning.**
- (a) **The Planning Board shall require that preliminary plan conform to the following:**

- (6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.**

In addition, 24-124(c) requires the developer/property owner of any development project requiring the subdivision or resubdivision of land within Centers and Corridors to construct adequate pedestrian and bikeway facilities, including but not limited to, trails throughout the subdivision. The applicant shall construct the master plan trails, pursuant to the requirements for new subdivisions. The exact trail alignment shall be determined at the time of DSP, in consultation with DPR and Planning Department staff.

The MPOT provides policy guidance regarding multimodal transportation and the Complete Streets element of the MPOT recommends how to accommodate infrastructure for people walking and bicycling:

**Policy 1: Provide standard sidewalks along both 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.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO Guide for the Development of Bicycle Facilities.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

The Transportation Systems Section of the master plan makes the following recommendations (page 121):

**Install bicycle signage and safety improvements along designated shared-use roadways when development occurs or roadways are upgraded. Bikeway improvements may include paved shoulders, painted bike lanes, and bike signage.**

**Develop bicycle facilities in conformance with the 1999 AASHTO Guide for the Development of Bicycle Facilities.**

The property falls in the developing tier and sidewalks are required on both sides of all roads,

public or private, excluding alleys. The applicant's submission includes five-foot-wide sidewalks along both sides of all new roads and crosswalks at all locations where sidewalks intersect with roads.

The subject property fronts on McKendree Road to its north. The applicant shall provide shared lane markings and bikeway signage along McKendree Road unless modified by DPIE. In addition, the applicant has included a conceptual location for a bicycle rack, centrally located within the development on Homeowners Association Parcel K. Providing the bicycle parking is a condition of this approval.

#### **Pedestrian and Bicycle Adequacy**

The proposed development is subject to Section 24-124.01, Adequate Public Pedestrian and Bikeway Facilities required in County centers and corridors. The applicant has submitted an off-site adequacy exhibit to provide crosswalk facilities at four locations within the immediate vicinity of the subject property.

#### **Adequacy of On-Site Facilities**

The applicant has included an exhibit detailing the proposed on-site facilities, which includes sidewalks along all frontages, continental style crosswalks, and a conceptual location for outdoor bicycle parking. The applicant shall provide shared lane markings, and bikeway signage along the frontage of McKendree Road.

As discussed above, the applicant shall construct the Timothy Branch and Mattawoman Creek Trails on the subject site. In addition to providing facilities in conformance with the master plan, these trails facilities will contribute to the subject application meeting pedestrian and bikeway adequacy within the subdivision, per Section 24-124.01(b)(2)(A) of the Subdivision Regulations.

- (2) The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
  - (A) The degree to which the bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**

The on-site sidewalks, crosswalks, conceptual bicycle parking facilities, and bicycle-related road improvements along McKendree Road, along with the construction of the Timothy Branch Trail and Mattawoman Creek Trail, with the exact alignment of trails to be determined at the time of DSP, will contribute to meeting the pedestrian and bicycle adequacy findings, pursuant to Section 24-124.01(b) of the Subdivision Regulations.

#### **Adequacy of Off-Site Facilities**

The subject application includes proposed off-site bicycle and pedestrian adequacy improvements pursuant to Section 24-124.01(c) of the Subdivision Regulations. The cost cap for the site is \$59,422. This number was developed by multiplying the nonresidential square footage by

\$0.35 (\$0), adding the number of dwelling units multiplied by \$300 (\$58,800), and then adjusting the total amount for inflation based on the U.S. Bureau of Labor Statistics Cost Price Index between June 2013, the effective date of the adequacy legislation, and today.

### **Demonstrated Nexus Finding**

The proposed subdivision imposes burdens on the demand for public pedestrian and bicycle facilities. The applicant proffered crosswalk facilities at four locations within the immediate vicinity of the subject property to satisfy this demand Planning Department and DPIE staff have reviewed the improvements. The applicant shall provide crosswalks crossing both legs of the intersection of McKendree Road and Lavender Dream Lane and the intersection of McKendree Road and Desert Peace Court. In addition, the applicant proposes a crosswalk crossing English Point Lane at its intersection with McKendree Road and another crosswalk crossing Dawn Chorus Lane at its intersection with McKendree Road. The applicant's Bicycle and Pedestrian Impact Statement (BPIS) Exhibit provides further details on the location and specifics of these improvements. The applicant shall provide additional Americans with Disabilities Act ramps and crosswalks crossing McKendree Road at its intersection with English Point Lane. There are sidewalks on both sides of McKendree Road.

The Rosewood Estates Subdivision (PPS 4-02069) is located on the north side of McKendree Road, directly northwest of the subject property. The Timber Village Subdivision (PPS 4-04153) is located on the south side of McKendree Road, approximately 0.25 mile west of the subject property. Both subdivisions have frontage along the portion of McKendree Road where the applicant intends to install these crosswalk improvements. The off-site pedestrian and bikeway facilities proffered by the applicant and those required will improve pedestrian movement along McKendree Road while complementing other development projects in the immediate vicinity of the subject property.

Pursuant to Section 24-124.01, there is a demonstrated nexus between the proffered and required pedestrian and bikeway facilities for the proposed development and nearby destinations and the required improvements are roughly proportional to the demand imposed by the proposed subdivision. The proffered and required off-site facilities will contribute to meeting the Pedestrian and Bicycle Adequacy Findings, pursuant to Section 24-124.01(b), and are within the cost cap, pursuant to Section 24-124.01(c).

Based on the findings presented above, adequate pedestrian and bicycle transportation facilities will exist to serve the PPS as required under Subtitle 24.

- 10. Transportation**—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 (LOS) D, with signalized intersections operating at a critical lane volume of 1,450 or better. Mitigation per Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the

#### Transportation Review Guidelines.

**Unsignalized Intersections:** The procedure for unsignalized intersections is not a true test of adequacy but rather an indicator 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 are computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume is computed. A two-part process is employed for all-way stop-controlled intersections:
- (B) Vehicle delay is computed in all movements using the *Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, the critical lane volume is computed.

#### Analysis of Traffic Impacts

The applicant submitted a traffic impact study (TIS) with a date of April 1, 2020. The findings outlined below are based upon a review of these materials and analyses conducted consistent with the "Transportation Review Guidelines, Part 1- 2012". The table below shows the intersections deemed to be critical, as well as the levels of service representing existing conditions:

EXISTING CONDITIONS		
Intersections	AM	PM
	(LOS/CLV)	(LOS/CLV)
US 301 and McKendree Road / Cedarville Road	B/1080	D/1418
McKendree Road and Site Access*	n/a	n/a
*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume 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 critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.		

The traffic study identified 19 background developments (including a pending development) whose impact would affect some, or all of the study intersections. In addition, a growth of two percent over six years was also applied to the traffic volumes along MD 5. A second analysis was done to evaluate the impact of the background developments. The analysis revealed the following results:

#### BACKGROUND CONDITIONS

<b>Intersection</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
US 301 and McKendree Road / Cedarville Road	E/1594	F/2119
McKendree Road and Site Access*	n/a	n/a

Using projected trip generation identified in Table 1, the total traffic analysis indicates the following results:

<b>Table 1 – Trip Generation</b>							
		<b>AM Peak</b>			<b>PM Peak</b>		
		<b>In</b>	<b>Out</b>	<b>Tot.</b>	<b>In</b>	<b>Out</b>	<b>Tot.</b>
Townhouse (Guidelines)	196 Units	27	110	137	102	55	157
<b>Total new trips</b>		<b>27</b>	<b>110</b>	<b>137</b>	<b>102</b>	<b>55</b>	<b>157</b>

The table above indicates that the proposed development will be adding 137 (27 in; 110 out) AM peak-hour trips and 157 (102 in; 55 out) PM peak-hour trips. A third analysis depicting total traffic conditions was done, yielding the following results:

<b>TOTAL CONDITIONS</b>		
<b>Intersections</b>	<b>AM</b>	<b>PM</b>
	(LOS/CLV)	(LOS/CLV)
US 301 and McKendree Road / Cedarville Road	F/1665	F/2130
McKendree Road and Site Access*	13.5 seconds	18.2 seconds
<p>*Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable. If delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume 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 critical lane volume is computed. If the critical lane volume falls below 1,150 for either type of intersection, this is deemed to be an acceptable operating condition.</p>		

The results under total traffic conditions show that the intersection of US 301 and McKendree Road/ Cedarville Road intersection will operate inadequately. Consequently, the TIS recommends that the application be approved with a condition requiring payment in the Brandywine Road Club.

Having reviewed the traffic study, staff concurred with its findings and conclusions. The subject property is located within Planning area 85A and is affected by the Brandywine Road Club. Specifically, Prince George's County Council Resolution CR-9-2017 indicates the following:



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

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

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

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

The TIS was referred out to County and State agencies for review and comment. Below are some of the salient issues expressed by the Maryland State Highway Administration (SHA) in italics, along with responses from the traffic consultant and staff:

*The LOS (level of service) analysis results in Exhibit 9 on page 17 of the report indicate that the LOS at the US 301 / McKendree Road / Cedarville Road intersection is expected to deteriorate from a LOS B to LOS F in the morning peak and from a LOS D to a LOS F in the evening peak. On page 18 in the Conclusions/Recommendations section of the report, it states that the developer's contribution to the Brandywine Road Club satisfies the mitigation requirements of the Adequate Public Facilities Ordinance (APFO) of Section 24-124. While the requirements of the APFO are satisfied with a contribution to the Brandywine Road Club, the need for mitigation at this intersection would remain until funds are used from the Brandywine Road Club to address it, therefore would be a delay between the time the Dobson Ridge development and other Brandywine area developments move forward in which mitigation measures are implemented. The report should include some discussion regarding how and when the Brandywine Road Club*

*improvements for the US 301/McKendree Road/Cedarville Road intersection will be implemented to mitigate traffic impacts at that location.*

**TIS Response:** This project is located within the geographic boundaries of the Brandywine Road Club (BRC) and therefore the sole responsibility of the developer to achieve Adequate Public Facilities (APF) is through a payment of the Brandywine Road Club fee. The BRC is designed to provide a means of funding significant infrastructure improvements in the area that will improve traffic operations in the vicinity as opposed to requiring developers make multiple minor improvements along the corridor that do not greatly improve overall capacity or traffic operations.

**Staff Response:** Staff concurs with this explanation.

*For the McKendree Road Property background development, this TIS says that there are 8 single family units. The same site was shown to have 62 Townhouses in the Elion Logistics Park DC TIS. This discrepancy should be addressed.*

**TIS Response:** The McKendree Road Property background development has been updated to reflect the current plan for the site which consists of 62 townhouse units. The relevant exhibits and analyses have been updated accordingly.

**Staff Response:** Staff concurs with this explanation.

*While CLV provides a general overview of the intersection, it does not capture the detailed operations and issues associated with complex intersections such as US 301 and McKendree Road / Cedarville Road. Therefore, we would suggest providing additional Synchro and SimTraffic analyses to better understand intersection operations and critical movements.*

**TIS Response:** Critical lane volume analysis is required per the adequacy requirements of Prince George's County. Synchro and SimTraffic analyses are not required to determine adequacy. While the US 301 and McKendree Road / Cedarville Road intersection does host high peak hour volumes, the intersection itself operates with relatively simple phasing and no additional analyses should be required.

**Staff Response:** Staff concurs with this explanation.

Some of the key issues contained in an August 19, 2020 letter from DPIE, as well as the Prince George's County Department of Public Works and Transportation are as follows:

*The applicant should be conditioned to provide a westbound (WB) left turn bay on McKendree Road at the site access. The number of WB left turning volumes into the site warrants a left turn bay per the Maryland State Highway Administration (SHA) guidelines. We do not recommend the applicant contribute to the road club as this improvement is needed presently.*

**Staff Response:** This request is considered to be operational in nature and therefore should be addressed at the time of permitting.

*Conceptual queuing analysis performed by OPIE shows eastbound (EB) queues at US 301 and McKendree Road backing up past the site access. The applicant should be conditioned to add a second EB left turn bay at the intersection of US 301 and McKendree Road to alleviate the EB queues that backs up past the site access at this intersection. We do not recommend the applicant contribute to the road club as this improvement is needed presently.*

**Staff Response:** This request is considered to be operational in nature and therefore should be addressed at the time of permitting.

#### **Master Plan and Site Access**

The property is in an area where the development policies are governed by the master plan as well as the MPOT. The subject property currently fronts on McKendree Road which is recommended in both master plans to be upgraded to a major collector (MC-502). While MC-502 is proposed with a variable width right-of-way, the northeastern section of the property will need an additional 18 feet of dedication. This additional right-of-way is accurately reflected on the plan.

All other aspects of the site regarding access and layout are deemed to be acceptable.

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

11. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2001. The subject property is located within School Cluster 5, which is located outside the I-495 Beltway. Results of the analysis are as follows:

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

<b>Affected School Clusters</b>	<b>Elementary School Cluster 5</b>	<b>Middle School Cluster 5</b>	<b>High School Cluster 5</b>
Total Dwelling Units	196	196	196
Townhouse (TH)	196	196	196
TH (PYF)	0.114	0.073	0.091
TH *PYF	22.344	14.308	17.836
Total Future Subdivision Enrollment	22	14	18
Adjusted Enrollment in 2019	6,428	2797	3668
Total Future Enrollment	6450	2811	3686

State Rated Capacity	7913	3304	5050
Percent Capacity	81%	85%	72%

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 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 \$16,698 per dwelling for all other buildings. This project is outside of the I-495 Capital Beltway; thus, the surcharge fee is \$16,698. This fee is to be paid to DPIE 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 facilities are found to be adequate to serve the subject site, as outlined in a memorandum from the Special Projects Section dated August 17, 2020 (Thompson to Heath), incorporated by reference herein.

### **Residential Emergency Response Times**

#### **Police Facilities**

This PPS was reviewed for adequacy of police services, in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is served by Police District VII in Fort Washington. The response standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The test is applied on the date the application is accepted or within the following three (3) monthly cycles, pursuant to Section 24-122.01(e)(2) of the Subdivision Regulations. The times are based on a rolling average for the preceding 12 months. The application was accepted by the Planning Department on July 9, 2020.

<b>Reporting Cycle</b>	<b>Date</b>	<b>Priority</b>	<b>Non-Priority</b>
Acceptance Date	July 2, 2020	11	5
Cycle 1	August 2020	11	5
Cycle 2	September 2020	11	5
Cycle 3	October 2020	11	5
	November 2020	11	5

The response time standards of 10 minutes for priority calls was not met in the first monthly cycle following acceptance. Therefore, mitigation may be required. However, per CB-20-2020 enacted July 21, 2020 the Public Safety Facilities mitigation requirement may be waived by Council Resolution. Pursuant to CR-69-2006, the Prince George's County Council and the County Executive suspended the provisions of Section 24-122.01(e)(1)(A,B) of the Subdivision Regulations, regarding sworn police and fire and rescue personnel staffing levels. The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

At the time of approval of this PPS, a passing response time was not reported and mitigation has not been waived by Council resolution. Therefore, prior to Planning Board approval of the PPS, the applicant entered into and submit a ratified Public Safety Mitigation Fee agreement with M-NCPPC-Prince George's County Planning Department for 196 single-family dwelling units, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005), since a passing response time was not achieved for priority calls. Pursuant to the Adequate Public Safety Mitigation Guidelines (CR-078-2005), the mitigation fee is paid to Prince George's County at the issuance of grading permit for the project. The mitigation fee is adjusted annually by the Office of Management and Budget of Prince George's County, and will be further adjusted based on the year that the grading permit is issued.

#### **Fire and Rescue**

This PPS was reviewed for adequacy of fire and rescue services, in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven-minutes travel time from the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of July 26, 2020, the proposed project is within a seven-minute travel time from the first due station, Marlboro Volunteer Fire/EMS Co. 840. The Department has reported that there is adequate equipment to meet the standards stated in CB-56-2005.

13. **Public Utility Easement (PUE)**—Section 24-122(a) of the Subdivision Regulations requires that, 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 PUEs is 10 feet wide along both sides of all public rights-of-way. The subject site fronts on the public right-of-way of McKendree Road and includes an internal network of private streets. Section 24-128(b)(12) of the Subdivision Regulations requires that 10-foot-wide PUEs be provided along one side of all private streets. The required PUEs are delineated on the PPS along the private streets but not along McKendree Road. Revisions to the plans will be required to show the PUE along McKendree Road, prior to signature approval.

14. **Historic**—A Phase I archeological survey was conducted on the subject property in May 2020. The subject property was part of the tract known as Part of Gantt's Enlargement Enlarged that was owned by the Gantt family until the 1780s. The land was then sold to Leonard Townshend and then to Hezekiah Ward in the nineteenth century. Ward is shown on the 1878 Hopkins map as residing to the east of what is now Branch Avenue. The subject property changed hands several times in the twentieth century and became known as Spring Hill Farm (85A-063). Another house was constructed in the northeast corner of the subject property in the mid-twentieth century.

A total of 552 shovel test pits were excavated across the site, 36 of which contained cultural material. Three archeological sites were delineated: sites 18PR1178, 18PR1179 and 18PR1180. All of the sites were prehistoric and historic field scatters that likely relate to the twentieth

century agricultural activity or ephemeral prehistoric occupations. All artifacts were recovered from disturbed plow zone contexts and no discrete activity areas were identified in their distribution. No intact features were encountered. Therefore, the sites have a low potential to provide significant data on historic or prehistoric lifeways in southern Prince George's County. No further work was recommended. No further archeological investigations are necessary on the subject property.

15. **Environmental**—The following applications and associated plans have been reviewed for the subject site:

**Background**

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
NRI-028-2020	N/A	Staff	Approved	06/23/2020	N/A
4-20002	TCP1-013-2020	Planning Board	Pending	Pending	Pending

**Proposed Activity**

The applicant is requesting approval of a PPS (4-20002) and a Type 1 Tree Conservation Plan (TCP1-013-2020) for the construction of 196 lots and 16 parcels for single-family attached dwellings. The TCP1 shows the proposed lotting pattern and associated infrastructure (road layout, water and sewer lines, SWM facilities, woodland conservation areas, specimen trees, proposed clearing, and master planned trails).

**Grandfathering**

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

**Master Plan Conformance**

Plan 2035: The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map, as designated by Plan 2035: the Established Communities of the General Plan Growth Policy Map and Mixed-Use of the General Plan Generalized Future Land Use.

Master Plan: The master plan section on Environment contains eight (8) sections (A-H), each of which contain policies and strategies.

**(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 Green Infrastructure Plan has identified the Mattawoman Creek Stream Valley as a Special Conservation Area (number 10 in the plan). These are areas of countywide significance in need of special attention because they contain unique environmental features that should be carefully considered when land development proposals are reviewed in the vicinity to ensure that their ecological functions are protected or restored and that critical ecological connections are established and/or maintained. The main stem of the Mattawoman Creek is located on the site and runs east to west along the southern portion of the property.

In addition to being identified as a Special Conservation Area in the Green Infrastructure Plan, the Mattawoman Creek is also identified in the master plan as a Primary Corridor. These corridors include the mainstems of the major waterways within the study area and are identified for conservation and preservation. Also identified in the master plan as a Secondary Corridor is the Timothy Branch which is also located on the site and runs from the north to the south along the western portion of the site. Secondary corridors are areas where connectivity is critical to the long-term viability and preservation of the green infrastructure network, and they are critical to preserving the subregion's water quality. The confluence of these two major waterways occurs on the southwestern portion of the site.

The site contains mapped Regulated Area within the Green Infrastructure Plan along the stream valleys. The woodland adjacent to the Regulated Areas is mapped as Evaluation Area within the Green Infrastructure Plan. These areas are the highest priority for preservation of regulated environmental features and woodland.

The Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires priority 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. The site contains mapped Forest Interior Dwelling Species habitat, which is another high priority for preservation and enhancement of on-site woodland.

The Mattawoman Creek is designated by the state as a Tier II waterway, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards. The approved natural resource inventory (NRI) and the submitted TCP1 show the delineation of the Tier II buffer.

The on-site woodlands will be retained with the exception of a small clearing impact to connect to an existing sanitary sewer line. The two on-site stream systems, the Mattawoman Creek, and the Timothy Branch, will not otherwise be impacted for SWM facilities, utility installations, or road crossings. Reforestation will occur in open floodplain areas to expand the riparian stream buffer to the two streams and to meet the entire woodland conservation requirement on-site.

The site is required to provide bio-retention and infiltration per the approved SWM concept letter. Impacts to this sensitive area have been limited to those required, or only necessary for development, such as one sanitary sewer connection.

The MPOT and the master plan call for pedestrian connections and stream valley trails associated with the Timothy Branch and the Mattawoman Creek stream valleys. The master plan and Green Infrastructure Plan also both identify these stream valleys as important for the preservation and enhancement of the existing regulated environmental features. The plans as submitted show the general locations of the required trails; however, the final location of the trails will be determined with future applications and minimized to the extent possible.

There is opportunity to provide pedestrian connections within the proposed development envelope as well as the stream valley trail within the 5.10 +/- acre area abutting the PMA which is proposed by the applicant to be dedicated to the Parks Department. Because this site is located at the confluence of the Timothy Branch and the Mattawoman Creek, it contains areas of high priority for preservation of both the PMAs, as well as woodland conservation. The applicant has minimized the impacts to the PMA and is proposing to meet the entire woodland conservation requirement for the project on-site. The minimization of impacts and meeting the woodland conservation requirements on-site satisfy the environmental policies and strategies outlined in the master plan and the Green Infrastructure Plan.

#### **(B) Water Quality, Stormwater Management, 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 as wetlands and the headwater areas of streams.**

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. The SWM Concept Plan (8768-2020) submitted with the subject application proposes one grass swale, two submerged gravel wetlands, and five micro-bioretenment facilities. The application proposes one sanitary sewer line connection that will impact the 100-year floodplain and stream buffer. The wetlands on this property are being preserved with this application.



**(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 proposal is for the construction of a residential subdivision on former agricultural fields with environmentally sensitive woodlands along the western and southern boundary. These woodlands contain the Timothy Branch along the western boundary and the Mattawoman Creek along the southern boundary. There are former field areas that are located within the 100-year floodplain of both stream systems. These open floodplain areas will be planted with native plants to the fullest extent possible. No woodlands will be removed other than 0.02 acre which is a necessary sanitary sewer connection to an existing sanitary sewer line that parallels Timothy Branch. This sewer connection will be the only impact to the existing on-site woodlands. All the remaining woodlands will be preserved, and the open floodplain areas will be reforested.

The subject property is located within the Environmental Strategy Area 2, which was formerly the developing tier. All of the proposed development will be outside the environmentally sensitive areas except for one impact to connect to the sanitary sewer pipe. The remaining sensitive areas will be persevered. The use of environmentally sensitive design is proposed with the SWM concept plan.

**(D) Chesapeake Bay Critical Area**

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

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

**(E) Air Quality and Greenhouse Gas Emissions**

**Reduce air pollution through transportation demand management (TDM) projects and programs.**

**Promote "climate-friendly" development patterns through planning processes and land use decisions.**

**Increase awareness of the sources of air pollution and greenhouse gas emissions.**

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

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

According to the 2017 *Countywide Green Infrastructure Plan*, of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, the site contains both Regulated and Evaluation Areas within the designated network of the plan. The conceptual design as reflected on the PPS and the TCP1 is in keeping with the goals of the *Green Infrastructure Plan* and focuses development outside of the most sensitive areas of the site. A detailed evaluation of major green infrastructure components has been provided in the master plan conformance section of this finding.

### **Environmental Review**

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

NRI-028-2020 was approved on June 23, 2020 and provided with this application. The site contains 100-year floodplain, wetlands, streams, and their associated buffers which comprise the PMA. There are 41 specimen trees scattered throughout the woodland areas of the property. 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 and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-013-2020) was submitted with the PPS application.

Based on the TCP1 submitted with this application, the site's gross tract area is 80.94 acres with 47.49 acres of 100-year floodplain and has a net tract area of 33.45 acres. The site contains 3.28 acres of woodland on the net tract and 28.08 acres of wooded floodplain. Because this site contains very little existing net tract woodland, the 15-percent afforestation threshold becomes part of the planting requirement for the sites overall woodland conservation required.

The Woodland Conservation Worksheet proposes the removal of 0.00 acre in the net tract area, and 0.02 acre within the floodplain for a woodland conservation requirement of 5.04 acres. According to the TCP1 worksheet, the requirement will be met with 3.28 acres of woodland preservation on-site and 1.76 acres of afforestation/reforestation on-site. The forest stand delineation has identified 41 specimen trees on-site. No on-site specimen trees will be removed as part of this application.

Currently, the TCP1 shows infrastructure such as masterplan road layout, water and sewer lines, stormwater structures, reforestation areas, specimen trees, two master plan trails, 196 single-family attached dwellings, and proposed clearing for one sanitary sewer connection.

Technical revisions are required to the TCP1 which are included as conditions of this approval.

### **Regulated Environmental Features / Primary Management (PMA)**

Impacts to the 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, 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 lines 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 if the site has been designed to place the outfall at a point of least impact. The types of impacts that should 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.

A proposed impact to the PMA is for one sanitary sewer pipe connection. A statement of justification (SOJ) was received with the application dated June 17, 2020, and a revised SOJ was received on September 9, 2020, for the proposed impact to the PMA.

The original SOJ requested three impacts including two grading areas and the sanitary sewer connection for a total impact of 0.10 acre. Revised plans received subsequent to the SDRC meeting reduced the impacts by eliminating lot grading and entrance road grading from the requested impacts. The sanitary sewer connection is a needed impact.

### **Statement of Justification**

The SOJ includes a request to impact 0.02 acre (947 square feet) of on-site PMA for the installation of one sanitary sewer pipe connection. This sewer connection will service the entire 196 single-family attached development.

### **Analysis of Impacts**

Based on the revised SOJ, the applicant is requesting a total of one impact as described below:

**Impact A**—PMA impacts totaling 0.02 acre are requested for construction for a sanitary sewer connection. The impact area will disturb 75-foot stream buffer and 100-year floodplain.

### **Analysis of Impacts**

The subject sanitary sewer connection will provide service to the entire 196 lot subdivision. The existing on-site sewer alignment goes along the entire east side of the Timothy Branch's floodplain. Several locations were investigated for a connection, but the PMA impacts would be greater, and this sewer connection is needed to serve the site. The Planning Board approved the proposed PMA impacts.

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP1 for a single impact for a sewer connection.

16. **Urban Design**—Conformance with the Prince George’s County Zoning Ordinance (Subtitle 27) is evaluated as follows:

**Conformance with the Zoning Requirements**

The project meets the purposes of the zone as stated in Section 27-433(a) of the Prince George’s County Zoning Ordinance through the preservation of trees on the west side of the site and by providing visible open space in the development. The proposed one-family attached residential use (townhouse) in the R-T Zone will be subject to DSP review and approval.

Conformance with regulations of the Zoning Ordinance is required at the time of DSP review, including but not limited to the following:

- Section 27-433 regarding requirements in the R-T Zone;
- Section 27-441(b) regarding the Table of Uses for the R-T Zone;
- Section 27-442 regarding regulations in the R-T Zone;
- 11, Off-street Parking and Loading; and,
- Part 12, Signs.

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

The development is subject to the 2010 *Prince George’s County Landscape Manual* (Landscape Manual) Specifically, the site is subject to Sections 4.1, 4.6, 4.7, 4.9, and 4.10, which will be reviewed at the time of DSP.

The application generally appears to meet the spacing requirements of the Landscape Manual. However, due to the lack of the cross sections of the proposed roadways, based upon the lot layout provided, there are concerns about the site’s conformance with the requirements of Sections 4.10, Street Trees Along Private Streets. Specifically, the layout continues to show street sections that would require alternative compliance from the requirements of Section 4.10 for the proposed private streets due to the location of the sidewalk directly adjacent to the roadway. The subject site is large enough to accommodate the necessary private street improvements in accordance with Section 4.10. The location of the sidewalk should be revised to eliminate the need for alternative compliance at the time of DSP.

**Conformance with the Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet of gross floor area or disturbance and require a grading permit. Properties zoned R-T are required to provide a minimum of 15 percent of the gross tract area covered by tree canopy. The subject site is 80.94 acres in size and the required tree canopy coverage is 12.14 acres of tree canopy coverage. Compliance with the tree canopy coverage requirement will be evaluated with the future DSP.

**Private Recreational Facilities**

The PPS will dedicate 47 +/- acres of the land west and south of the development for the stream valley for the purposes of meeting the mandatory parkland dedication requirement. In addition, open space Parcels G, H, and K are proposed with this application and will serve as active and passive recreation areas to serve the community.

The applicant has indicated that Parcels G and H will be passive recreational spaces while Parcel K will include active recreational amenities. Due to the location of this Parcel K at the entrance of the community, the proposed elements of the open space shall be designed with the health, safety, and welfare of residents in mind. The final design of these open spaces will be further evaluated at the time of DSP.

**Other Urban Design Issues**

Parking in townhouse developments has been a concern in the County. Additional parking, which is between five to 10 percent more than the normally required parking, for visitors should be provided and be evenly distributed throughout the entire development. Parking will be reviewed at time of DSP.

The applicant is encouraged to incorporate Crime Prevention Through Environmental Design (CPTED) strategies in the site and building design. Crime can be averted through positive physical designs and allowing for natural surveillance of public spaces. Further review of this issue will be carried out at time of DSP.

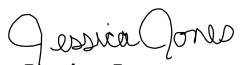
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

\* \* \* \* \*

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 Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 7, 2021, in Upper Marlboro, Maryland.

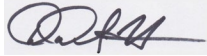
Adopted by the Prince George's County Planning Board this 28th day of January 2021.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:AH:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner  
M-NCPPC Legal Department  
Date: January 21, 2021