

PGCPB No. 2024-108

File No. 4-23040

R E S O L U T I O N

WHEREAS, ESC Stephens, L.C. is the owner of a 4.51-acre tract of land known as Outlot 1, Block J; Outlot 2, Block O; Outlot 3, Block O; and parts of Lots 31 and 32, Plat 7; said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Residential, Multifamily-48 (RMF-48); and

WHEREAS, on June 17, 2024, ESC Stephens, L.C. filed an application for approval of a Preliminary Plan of Subdivision for 75 lots and 13 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23040 for Stephen's Crossing 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 at a public hearing on October 17, 2024; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid conceptual site plan, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the conceptual site plan; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, at a public hearing on October 17, 2024, 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 TCP1-007-12-03, APPROVED a Variance to Section 25-122(b)(1)(G), and APPROVED Preliminary Plan of Subdivision 4-23040 for 75 lots and 13 parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the plan shall be revised as follows:
 - a. Add Tax Map 145 Grid C3 to General Note 3.
 - b. Add Conceptual Site Plan CSP-09003 to the list of prior approvals in General Note 6.

- c. Revise General Note 30 to remove reference to on-site recreational facilities. The note shall state that mandatory dedication will be met by Cattail Way road improvements along the frontage of Maryland-National Capital Park and Planning Commission-owned land containing the Southern Area Aquatics and Recreation Complex (SAARC) facility, and a driveway connection to the SAARC facility parking lot off Cattail Way.
 - d. Remove General Note 45.
 - e. Revise General Note 2 to remove the entry for Plat Book MMB 239 Plat No. 78 and add entries for Plat Book ME 268 Plat Nos. 7 and 10.
 - f. Revise General Notes 17, 18, 19, and 20 to indicate that the acreage, density, floodplain, and floor area ratio are based on the overall Stephen's Crossing at Brandywine development, rather than Preliminary Plan of Subdivision 4-11004.
2. Prior to signature approval of the preliminary plan of subdivision, the Type 1 tree conservation plan (TCP1) shall be revised, as follows:
 - a. Add the following note below the specimen tree table:

“This plan is in accordance with the following variance to the strict requirements of Subtitle 25 approved by the Planning Board on [ADD DATE] for the removal of [ADD NUMBER APPROVED FOR REMOVAL] specimen trees, identified on the plan as ST-X and....”
 - b. Update the woodland conservation worksheet to utilize the current totals from the site statistic table on the approved Natural Resources Inventory, NRI-047-08-08.
 - c. Correct the worksheet to indicate that this TCP1 is not subject to the 1991 Woodland Conservation Ordinance.
 - d. Correct the worksheet to indicate that the site is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and is within the priority funding area.
 - e. Update the worksheet to remove the use of specimen tree credits.
 - f. Have the plans signed and dated by the qualified professional who prepared them.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (37306-2005-02) and any subsequent revisions.
4. Prior to approval, the final plat of subdivision shall include the granting of public utility easements along both sides of all public streets, and along at least one side of all private streets, in accordance with the approved preliminary plan of subdivision.

5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2013 *Approved Subregion 5 Master Plan*, and Conceptual Site Plan CSP-09003, the applicant shall provide the following facilities and show the following facilities on the detailed site plan (DSP) for the property forming the subject of this preliminary plan of subdivision:
 - a. Provide a minimum 8-foot-wide continuous sidepath on the north side of Cattail Way, between Mattawoman Drive and Missouri Avenue, to ensure access to the public park from the development.
 - b. Provide standard sidewalks along both sides of all internal roads (public and private, excluding alleys), unless modified by the Prince George's County Department of Public Works and Transportation for public roads, and a DSP for private roads.
6. Prior to approval, and at the time of detailed site plan (DSP), for the property forming the subject matter of this preliminary plan of subdivision, the following design issues shall be addressed:
 - a. Streetscape details, crosswalks, lane control markings, lighting, curb ramps, splitter island locations, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.
 - b. Provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads, per the Prince George's County Department of Public Works and Transportation (DPW&T) standards and with American Association of State Highway and Transportation Officials (AASHTO) guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.
7. The applicant and the applicant's heirs, successors, and/or assignees shall be responsible for obtaining all permits and bonding that may be required by federal, state, or local authorities needed to accomplish the design and construction of improvements within the Cattail Way right-of-way.
8. Prior to construction of the 30-foot-wide asphalt entrance driveway and an 8-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatics and Recreation Complex parking lot, the Prince George's County Department of Parks and Recreation shall provide the applicant construction drawings for the aforementioned improvements.
9. The applicant and the applicants, heirs, successors, and/or assignees shall design and construct any required stormwater management facilities needed for construction of the half section of Cattail Way.
10. Prior to the first final plat for this subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall enter into an agreement with the Prince George's County Department of Parks and Recreation (DPR), which amends the timing for construction of the 8-foot-wide trail/sidewalk and any required improvements on park property along the Brandywine Area

Community Park's road frontage, as well as the 30-foot-wide asphalt entrance and driveway, and the 8-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatics and Recreation Complex parking lot area, as set forth in the prior executed and recorded recreation facilities agreement. This amendment shall advance the timing for construction of the above improvements to require construction prior to approval of a building permit for the 437th residential dwelling unit. Timing for submission of construction drawings, bonding and permitting shall also be advanced to occur prior to issuance of the 288th, 48th, and 355th residential dwelling unit building permits respectively. Prior to submission of a final plat of subdivision, the applicant shall submit three original executed agreements to DPR, for review and approval. Upon approval by DPR, the agreement shall be recorded among the Land Records of Prince George's County, Upper Marlboro, Maryland, and the liber and folio reflected on the final plat prior to recordation.

11. Prior to approval of a final plat, 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 Section of the Development Review Division of the Prince George's County Planning Department, to ensure that the rights of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Board, are included. The Book/page of the declaration of covenants shall be noted on the final plat prior to recordation.
12. Prior to approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey land to a homeowners association, as identified on the approved preliminary plan of subdivision. 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 Section of the Development Review Division of the Prince George's County Planning Department.
 - 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 operations 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 of the Prince George's County Planning Department.
 - 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.
13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-007-12-03. The following note shall be placed on the final plat of subdivision:
- “This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-12-03) [or most recent revision], or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved tree conservation plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. 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 issuance 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 and wildlife habitat 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. At the time of final plat of subdivision, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area except for any approved impacts and shall be reviewed by the Environmental Planning Section of the Prince George's County Planning Department, 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."
16. 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.

17. All Type 2 tree conservation plans prepared for the subject property shall include an invasive species management plan which addresses best management practices and appropriate methods of control for invasive species found on-site.
18. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:

“Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded among the Prince George’s County Land Records at Liber _____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”

19. Prior to approval of a final plat, the following note shall be placed on the plat:

“Prior to signature approval of a TCP2 for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted or regenerated on-site shall be placed in a woodland conservation easement recorded among Land Records of Prince George’s County and the liber/folio of the easement shall be indicated in a note on the TCP2 plan.”

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 applicable 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 4.51-acre property is located northeast of the intersection of Mattawoman Drive and MD 381 (Brandywine Road), north and south of an undeveloped public street known as Cattail Way, between a future extension of Mattawoman Drive and an undeveloped public street known as Daffodil Court. The property and the undeveloped streets are part of the overall Stephen’s Crossing at Brandywine development. The property consists of land located on Lots 31 and 32, Plat 7, of the Brandywine Business Park, recorded in Plat Book ME 264 Plat No. 16 of the Prince George’s County Land Records; Outlot 1, Block J and Outlot 2, Block O of Stephen’s Crossing at Brandywine, recorded in Plat Book ME 268 Plat No. 7; and Outlot 3, Block O of Stephen’s Crossing at Brandywine, recorded in Plat Book ME 268 Plat No. 10. The property is in Tax Map 145, Grids B3 and C3. The property is zoned Residential, Multifamily-48 (RMF-48); however, this preliminary plan of subdivision (PPS) was submitted for review in accordance with the Prince George’s County Zoning Ordinance and Prince George’s County Subdivision Regulations effective prior to April 1, 2022 (“prior Zoning Ordinance” and “prior Subdivision Regulations”), pursuant to Section 27-1704 of the current Zoning Ordinance.

The subject property was included in Conceptual Site Plan CSP-09003-01, which was approved by the Prince George's County Planning Board on July 19, 2012 (PGCPB Resolution No. 12-76), pursuant to the prior Zoning Ordinance. Pursuant to Section 27-1704(a) of the Zoning Ordinance, CSP-09003-01 remains valid for a period of 20 years from April 1, 2022; and pursuant to Section 27-1704(b) of the Zoning Ordinance, subdivision applications submitted under a valid CSP, approved under the prior Zoning Ordinance, and still valid pursuant to the time limit specified under Section 27-1704(a), may be reviewed and decided in accordance with the prior Subdivision Regulations. Under the prior Zoning Ordinance, the site was within the Mixed Use-Transportation Oriented (M-X-T) Zone, which was effective prior to April 1, 2022. The property is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan).

The site is currently vacant and wooded. The subject PPS allows subdivision of the property into 75 lots and 13 parcels for the development of 75 single-family attached (townhouse) units. As the development is part of the overall Stephen's Crossing project and covers land previously approved for development, the 13 parcels and 65 of the townhouse lots approved herein replace 116 previously approved two-family attached (two-over-two) units on 12 parcels. The remaining ten townhouse lots approved herein correspond to prior approved townhouses along a street known as Beane Court; prior approved plans showed eight townhouse lots along this street (Lots 7–14, Block B), while the current PPS shows ten townhouse lots (Lots 7–16, Block B). A new Detailed Site Plan, DSP-20050-02, has been accepted for review to provide for the conversion of the two-over-two units into townhouse units, the two additional units on Beane Court, and other changes to the lotting pattern of the development north of Cattail Way and west of Daffodil Court. The 13 parcels will be conveyed to the homeowners association for the overall Stephen's Crossing development. The development results in a net reduction in the number of dwelling units in Stephen's Crossing, but an increase in the number of lots. Therefore, the subject PPS is required for the division of the land into additional lots.

The subject PPS has an accompanying Type 1 Tree Conservation Plan, TCP1-007-12-01. The PPS was accepted for review prior to July 1, 2024, and therefore, the TCP1 was reviewed in accordance with the version of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) in effect immediately prior to July 1, 2024. The applicant filed a request for a variance to Section 25-122(b)(1)(G) of the prior WCO, to allow removal of two specimen trees. This request is discussed further in the Environmental finding of this resolution.

The site is subject to previously approved PPS 4-11004, and pursuant to Section 24-4503(a)(1) of the Subdivision Regulations, it has an automatic certificate of adequacy (ADQ) associated with that PPS. However, in accordance with Section 24-4503(a)(4) of the Subdivision Regulations, a new ADQ is required to support the development because it requires a new PPS. Certificate of Adequacy ADQ-2023-070(C) was reviewed concurrently with this PPS, and this PPS is supported by and subject to the approved ADQ.

3. **Setting**—The subject property is within Planning Area 85A. The site is wooded and is entirely encompassed within the overall Stephen's Crossing development, which currently remains undeveloped. The subject site and the overall development are in the RMF-48 Zone (formerly in the M-X-T Zone). The Stephen's Crossing development is generally bound by US 301 (Robert

Crain Highway) to the north, Brandywine Road to the south, Missouri Avenue to the east, and Maryland-National Capital Park and Planning Commission (M-NCPPC) parkland containing the Southern Area Aquatics and Recreation Complex (SAARC) to the northeast. The M-NCPPC parkland is in the Reserved Open Space Zone. Sixty-five (65) lots of this PPS front on Cattail Way, a dedicated public street which has not yet been developed. Vehicular access to these lots will be from private streets known as Corn Tassel Lane and Ferndale Farm Lane, as well as a private alley known as Private Alley B, which will provide rear loading access to the dwellings. The remaining 10 lots have frontage on and access to private street Beane Court. All the public and private rights-of-way serving the lots are outside the boundaries of the PPS.

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

	EXISTING	EVALUATED
Zones	RMF-48	M-X-T
Use(s)	Vacant	Residential
Acreage	4.51	4.51
Parcels	0	13
Lots	2	75
Dwelling Units	0	75
Outlots	3	0
Subtitle 25 Variance	Yes (25-122(b)(1)(G))*	Yes (25-122(b)(1)(G))*
Variation	No**	No**

Notes: *A Subtitle 25 variance for 18 specimen trees was approved with prior PPS 4-11004. Two of these trees fall within the boundaries of the subject site and require reapproval of a variance because this PPS (4-23040) supersedes the prior (4-11004) for the subject land area.

**Variations from Sections 24-128(b)(7)(A), 24-128(b)(12), and 24-121(a)(3) of the prior Prince George’s County Subdivision Regulations were approved with PPS 4-11004, however, these variations do not affect the subject site.

The subject PPS was accepted for review on June 17, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, the PPS was referred to the Subdivision and Development Review Committee (SDRC) and comments were provided to the applicant at its meeting on July 5, 2024. A request for a variation from Section 24-128(b)(7)(A) was submitted alongside the PPS and was also reviewed at the SDRC meeting on April 12, 2024, as required by Section 24-113(b) of the prior Subdivision Regulations. However, staff advised that this variation request was unnecessary, and thus, this variation request was withdrawn. Revised plans and documents were received on July 8, 2024, August 15, 2024, and August 22, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—The overall Stephen’s Crossing development is a combination of multiple parcels, lots, and outparcels, all of which were originally part of PPS 4-90045 (PGCPB Resolution No. 90-230), Brandywine Business Park, which was approved by the Prince George’s County Planning Board on May 31, 1990. Subsequently, final plats were recorded pursuant to that approval for the entire business park area, but nothing was ever developed on-site. The master plan’s associated sectional map amendment rezoned the subject property from the Light Industrial Zone to the M X-T Zone.

On November 20, 2012, the Prince George’s County District Council approved Conceptual Site Plan CSP-09003-01 and Detailed Site Plan DSP-10038, for grading and infrastructure, specifically grading for Mattawoman Drive right-of-way improvements, a stormdrain outfall pipe, and an underground sewer pipe. CSP-09003-01 was approved subject to three conditions, however, those conditions are not applicable to the subject PPS. DSP-10038 was approved subject to six conditions, which are also not applicable to the subject PPS.

On March 6, 2014, the Planning Board approved CSP-09003 (PGCPB Resolution No. 14-09), for a mixed-use development including 425–440 townhouses; 120–150 two-family attached units; 700–800 multifamily dwelling units; 100,000 square feet of commercial office space; and 100,000–200,000 square feet of commercial retail space. CSP-09003 was approved subject to 24 conditions. The conditions applicable at the time of PPS were satisfied at the time of PPS 4-11004, and to the extent that they are applicable to the current PPS, continue to be met.

On October 2, 2014, the Planning Board approved PPS 4-11004 and Type 1 Tree Conservation Plan TCP1-007-12-01, for 379 lots and 73 parcels to support the development of 800 multifamily units, 377 townhouses, 116 two-over-two units, 2 single-family attached units, 100,000 square feet of office space, and 200,000 square feet of commercial development. Variances to Section 25-122(b)(1)(G) of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO), for removal of specimen trees; Section 24-128(b)(12), for public utility easements (PUEs) along private streets; Section 24-128(b)(7)(A) relating to the use of alleys; and Section 24-121(a)(3), for direct access to an arterial right-of-way, were granted as part of that approval. PPS 4-11004 was reconsidered by the Planning Board on February 17, 2022, for Conditions 10, 11, 15, 16, and 33, and associated findings for the phasing of improvements, which are required to meet mandatory parkland dedication requirements. An amended resolution (PGCPB Resolution No. 14-110(C)(A)) was adopted following the approval of the reconsideration. Conditions of approval of this PPS which are carried forward to the current PPS (4-23040) are discussed throughout this resolution.

On December 3, 2015, the Planning Board approved PPS 4-15011 for 56 lots and 9 parcels, to support the development of 56 single-family attached units. Variances to Section 25-122(b)(1)(G), for removal of specimen trees; Section 24-128(b)(12), for PUEs along private streets; and Section 24-128(b)(7)(A) relating to the use of alleys were granted as part of that approval. PPS 4-15011 was reconsidered by the Planning Board on February 17, 2022, for Conditions 3, 4, 8, and 9, and associated findings for the phasing of improvements, which are required to meet mandatory parkland dedication requirements. An amended resolution (PGCPB Resolution No. 15-129(A)) was adopted following the approval of the reconsideration. The area

of PPS 4-15011 is limited to approximately 7.12 acres on the east side of the overall development, and it does not overlap with the site of the subject PPS.

On March 31, 2022, the Planning Board approved DSP-20050 (PGCPB Resolution No. 2022-38), for development of 431 townhouse dwelling units and 116 two-over-two dwelling units. This DSP covered 89.53 acres in the central area of the overall development. The 116 two-over-two units approved with this DSP will be converted into townhouse units. DSP-20050 was approved subject to five conditions, none of which are applicable to the subject PPS.

On March 18, 2024, the Planning Director approved DSP-20050-01, for the purpose of correcting errors to bearings and distances shown on the plans, adding additional right-of-way dedication to Brandywine Road, and eliminating an unneeded section of a PUE. DSP-20050-01 was approved without additional conditions. On May 16, 2024, the Planning Director approved Vacation Petition V-24002, to vacate the dedicated right-of-way of Sparrow Court, an undeveloped street within the Stephen's Crossing development. Sparrow Court was a street located south of Cattail Way, which intersected with Cattail Way and Daffodil Court, and part of it was located within the boundaries of the current PPS. Following approval of the vacation petition, the applicant obtained approval of the final plat recorded in Plat Book ME 268 Plat No. 10 of the Prince George's County Land Records. This plat recorded right-of-way for a private street known as Cool Branch Way, which replaces Sparrow Court at the intersection of Cattail Way and Daffodil Court. Cool Branch Way has a narrower right-of-way than Sparrow Court, which supports the lotting pattern of the current PPS.

6. **Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan) is evaluated, as follows:

Plan 2035

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

Master Plan

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035 remain in full force and effect except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. The master plan recommends Mixed Use land use on the subject property. The evaluated use conforms with the recommended land use because the development is part of a larger project with a mix of residential and commercial uses. The larger project (PPS 4-11004, approved October 2, 2014) is a mixed-use development of 1,245–1,390 residential units and 200,000–300,000 square feet of commercial space. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS

must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. The PPS conforms to the land use recommendation of the master plan.

Zoning

The sectional map amendment associated with the master plan reclassified the subject property into the Mixed Use-Transportation Oriented (M-X-T) Zone. On November 29, 2021, the District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the M-X-T Zone to the Residential, Multifamily-48 (RMF-48) Zone. However, this PPS is reviewed according to the prior M-X-T zoning.

7. **Stormwater Management**—An application for a major subdivision must include an approved stormwater management (SWM) concept plan, or indication that an application for such approval has been filed with the appropriate agency or municipality having approval authority. A SWM Concept Approval Letter (37306-2005-02) and associated plan were submitted with this PPS. The Prince George's County Department of Permitting, Inspections and Enforcement issued the approval on November 16, 2023. According to the approved plan, drywells, bioretention facilities, bio-swales, underground storage, and a SWM pond will meet the SWM requirements for this project.

Development of the site is in conformance with the SWM concept plan and will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS has been reviewed for conformance with the requirements and recommendations of the master plan, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, and Sections 24-134 and 24-135 of the prior Subdivision Regulations, as they pertain to public parks and recreation and facilities.

Nearby developed park facilities include the Southern Area Aquatics and Recreation Complex (SAARC) adjacent to the subject development community, and the Brandywine Road Park and Cheltenham Acres located within two miles of the site. The Piscataway Stream Valley Park, Dyson Road Park, and the Brandywine-North Keys Park are all within five miles of the subject site.

The master plan provides goals and policies related to parks and recreation (pages 135 through 140). The development aligns with the master plan's intention to provide private open space designed to help satisfy local recreation demand in the subregion and to support existing development for future residents.

The master plan indicates that there is sufficient local parkland to meet projected needs through 2030. Additional acquisition of land along the Piscataway Stream Valley Park and Mattawoman Stream Valley Park is recommended to meet long term needs. However, because this PPS is part of the overall Stephen's Crossing development, for which mandatory dedication of parkland has

already been determined, and because this PPS does not increase the overall number of dwelling units within the Stephen's Crossing development, dedication of land is not required with this PPS. Mandatory dedication of parkland will continue to be met through the provision of off-site improvements to park property, as discussed below.

Sections 24-134 and 24-135, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private on-site recreational facilities to serve the active recreational needs of residential development. As part of the review of PPS 4-11004, several options were discussed with the applicant for their participation in the development of the adjoining SAARC park, which will serve the residents of this development. The applicant offered to design and construct improvements associated with the SAARC project. The Planning Board determined that the most beneficial alternative to meeting the requirements for mandatory dedication of land would be the design and construction of a half section of Cattail Way along the frontage of the park, and construction of an access road and trail connector to the park from Cattail Way. These improvements were not planned as part of the SAARC construction; however, they would provide safe and convenient access to the public recreational facilities in the park from the Stephens Crossing development. In addition to off-site improvements to meet the mandatory dedication of parkland requirements of prior Subtitle 24, the applicant also proposed the construction of private recreational facilities, which would include clubhouses, playgrounds, and trails evaluated with the DSP and not required through mandatory dedication.

In 2022, the applicant requested a reconsideration of certain findings and conditions of PPS 4-11004 and 4-15011 related to the phasing of infrastructure improvements needed to meet the mandatory parkland dedication requirement. The Planning Board subsequently approved the reconsiderations via PGCPB Resolution Nos. 14-110(C)(A) and 15-129(A). Conditions 10–16, 21(d), and 33 of PPS 4-11004 are specifically related to meeting the mandatory parkland dedication requirement per Section 24-135. These conditions set forth tasks that must be accomplished by the applicant and the Department of Parks and Recreation (DPR) to ensure that the above-discussed improvements being used to satisfy the mandatory dedication of parkland requirement are ultimately realized, and set required timing for construction, bonding, permitting, and submission of construction drawings for the improvements.

This PPS results in the total number of dwelling units in the Stephen's Crossing development being reduced to 1,240 (497 townhouses and 743 multifamily units), which is a 49-unit reduction from the 1,289 dwelling units previously approved under DSP-20050, or an approximately four percent reduction. Based on this reduction, the timing for construction, bonding, permitting, and submission of construction drawings for the improvements being used to satisfy the mandatory dedication requirement shall be adjusted accordingly to tie to building permits that will be issued sooner, to ensure that these events occur within the timeframes and construction phasing anticipated when the two prior reconsiderations were granted.

Subsequent to the 2022 reconsiderations, a public recreational facilities agreement (RFA) was reviewed and approved, and recorded in Book 49405 page 156 of the Prince George's County Land Records on December 27, 2023. This RFA fulfilled Condition 15 of 4-11004, PGCPB Resolution No. 14-110(C)(A). An amended RFA shall be required to ensure that that the RFA's

required timing for construction, bonding, permitting, and submission of construction drawings for the improvements being used to satisfy the mandatory dedication requirement is commensurate with the reduction in dwelling units. To achieve this, Condition 15 of 4-11004 is carried forward in modified form to the current PPS as Condition 10 of 4-23040. Condition 10 specifies new triggers for the timing of construction, bonding, permitting, and submission of construction drawings which are commensurate with the reduction in the number of dwelling units.

Conditions 12, 13, 14, and 21(d) of 4-11004 are also carried forward unmodified to the current PPS as Conditions 7, 8, 9, and 5a, respectively. Conditions 10, 11, 15, 16, and 33 of 4-11004 are not carried forward, because these conditions contain dwelling unit triggers which are inconsistent with those now required as a result of the reduction in the number of dwelling units. The triggers to be specified in the amended RFA through Condition 10 of this PPS reflect those agreed upon between DPR and the applicant, with the approval of this PPS, and will supersede the triggers specified in the prior conditions of 4-11004 and 4-15011. The specific tasks required to be accomplished by the prior conditions are still valid through 4-11004's applicability to parts of the development outside of the 4-23040, the RFA, and the roadway phasing plan discussed in the Transportation finding of this resolution.

This PPS (4-23040) does not include additional dwelling units over those previously approved under 4-11004, and so the prior required off-site facilities of that PPS are determined to be adequate to serve the development evaluated with 4-23040. Based on the preceding findings, the provision of mandatory dedication of parkland shall be met through provision of the off-site facilities previously required under 4-11004, in accordance with Section 24-135(b) of the prior Subdivision Regulations.

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

Prior Conditions of Approval

The overall Stephen's Crossing development is governed by prior conditions of approval for CSP-09003, CSP-09003-01, PPS 4-11004, PPS 4-15011, and DSP-20050. It is noted that while PPS 4-11004 was filed on the entirety of the subject property, 4-15011 was subsequently filed on part of the eastern portion of the larger Stephen's Crossing site, specifically the area from the Timothy Branch crossing to Missouri Avenue. Transportation-related conditions of approval adopted in 4-15011 are consistent with the conditions adopted in 4-11004. Transportation-related conditions from the prior PPS approvals that are relevant to the subject PPS are provided below in bold text, while comments on the conditions follow in plain text (†denotes amendment, underlining indicates new language, and [Brackets] and strikethrough indicate deleted language):

PPS 4-11004 (PGCPB Resolution No. 14-110(C)(A))

10. **Prior to †~~[the 100th residential building permit or prior to April 1, 2017, whichever comes first]~~ approval of a building permit for the 455th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004**

(cumulatively), the applicant and the applicant's heirs successors, and/or assignees shall ~~†[design and]~~ construct a half-section of Cattail Way and an eight-foot-wide trail/sidewalk within the public right-of-way along the entire frontage of Brandywine Area Community Park. This work, as well as all other improvements associated with Cattail Way construction, must meet the requirements of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). In addition, the applicant shall construct a 30-foot-wide asphalt driveway and an eight-foot-wide concrete trail connector from Cattail Way to the Southern Area Aquatic and Recreational Complex (SAARC) parking lot within Brandywine Area Community Park. Construction of these improvements shall be deemed complete upon the opening of at least one lane of the road in each direction to traffic and provision of access to the SAARC from Cattail Way. In the event that the Prince George's County Department of Parks and Recreation (DPR) determines that the timing of the completion of these improvements can be delayed based upon ~~†[the construction schedule associated with the SAARC project,]~~ coordination with DPIE, DPR may, at its sole discretion, delay the completion date. Any such revision to the completion date shall be communicated in writing to the applicant.

11. Prior to ~~†[issuance of 50th residential building permit]~~ approval of a building permit for the 300th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant and the applicant's heirs, successors, and/or assignees shall develop †100 percent design construction drawings and specifications for the construction of a half-section of Cattail Way, an eight-foot-wide trail/sidewalk, and any required improvements within the public right-of-way (along the Brandywine Area Community Park's road frontage) and submit them to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). †Prior to approval of a building permit for the 370th cumulative residential dwelling unit, the applicant shall obtain permits for construction of these improvements from DPIE.
12. The applicant and the applicant's heirs, successors, and/or assignees shall be responsible for obtaining all permits and bonding that may be required by federal, state or local authorities needed to accomplish the design and construction of improvements within the Cattail Way right-of-way.
33. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) ~~†[for the 200th building permit,]~~ of a building permit for the 370th residential dwelling unit within Preliminary Plan 4-15011 and Preliminary Plan 4-11004 (cumulatively), the applicant shall †obtain permits from the Prince George's County Department of Permitting, Inspections and Enforcement to construct Cattail Way over Timothy Branch. This roadway connection shall include construction within the public right-of-way of an eight-foot-wide

trail/sidewalk which shall connect Daffodil Court to the Southern Area Aquatic and Recreational Complex (SAARC). The status of the construction of Cattail Way shall be provided with each detailed site plan proposing residential development which fronts on or accesses Cattail Way. †Prior to the recommendation of approval by M-NCPPC of a building permit for the 455th residential dwelling unit, the applicant shall construct these improvements.

The current PPS re-subdivides the area which was approved for the two-over-two units fronting Cattail Way, between Mattawoman Drive and Daffodil Court. The PPS also includes two additional townhouses along Beane Court, for a total of ten townhouses along a street which previously had eight townhouses fronting upon it. Beane Court is accessed via private roads from Cattail Way. Cattail Way is generally required to be constructed based on prior approvals, and specific portions are required as a result of Conditions 10, 11, 12, and 33 of PPS 4-11004, and concurrent conditions in PPS 4-15011. These conditions are being used to satisfy the mandatory dedication of parkland requirement and are not adequacy or frontage improvements for the site. Condition 12 is carried forward unmodified as Condition 7 of the current PPS. Conditions 10, 11, and 33 are not carried forward, for reasons discussed in the Parks and Recreation finding of this resolution. The timing given in the prior conditions for construction, bonding, permitting, and submission of construction drawings shall be adjusted based on the reduction in the overall development's number of dwelling units through an amended RFA, as discussed in the Parks and Recreation finding of this resolution.

21. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, and Conceptual Site Plan CSP-09003, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:**
 - d. **Provide a minimum eight-foot-wide continuous sidepath on the north side of Cattail Way between Mattawoman Drive and Missouri Avenue, to ensure access to the public park from the development.**
 - e. **Provide standard sidewalks along both sides of all internal roads (public and private, excluding alleys), unless modified by the Prince George's County Department of Public Works and Transportation (DPW&T) for public roads and detailed site plan for private roads.**
22. **Prior to approval and at the time of detailed site plan (DSP), the following design issues shall be addressed:**

- b. **Streetscape details, crosswalks, lane control markings, lighting, curb ramps, splitter island locations, driveway crossings, pedestrian safety symbols, and pedestrian safety signage shall be delineated on the DSP, as applicable.**
- g. **Provide pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming and safety devices on all roads per the Prince George's County Department of Public Works and Transportation (DPW&T) standards and with American Association of State Highway and Transportation Officials (AASHTO) guidance. Details of the pedestrian refuge islands, crosswalks, curb extensions, and other traffic calming devices shall be shown on the DSP and are subject to modification by DPW&T.**

The portions of Conditions 21 and 22 relevant to the subject site are carried forward to the subject PPS. The requirements will be further evaluated at the time of DSP.

- 32. **Total development of the site shall be limited to uses that would generate no more than 1,079 AM and 1,479 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.**

The subject site will generate 53 AM and 60 PM peak-hour trips, which have been included in the trip cap of Certificate of Adequacy ADQ-2023-070(C). These trips are not in addition to the 1,079 AM and 1,479 PM peak-hour trips provided by PPS 4-11004 for Stephen's Crossing, as further discussed in the ADQ.

Transportation Related Master Plan Conformance

Master Plan Right-of-Way

The subject property fronts Cattail Way and Daffodil Court. The MPOT and master plan recommend the construction of Cattail Way (C-610) as a collector roadway, with two lanes of travel in each direction within 80 feet of right-of-way. This road has been previously dedicated, and no additional right-of-way is required with this PPS.

A primary feature of the overall Stephen's Crossing development is the construction of two master-planned public roadways, specifically, the extension of Mattawoman Drive and the construction of Cattail Way. Within Stephen's Crossing, both roadways have been previously dedicated to their master-planned right-of-way width, however, the roads have yet to be constructed. The planned construction phasing of the roadways is discussed below.

Mattawoman Drive (A-63) has been constructed south of the Stephen's Crossing development and currently terminates just north of its intersection with Brandywine Road. The master plan calls for the extension of Mattawoman Drive as an arterial roadway, with three lanes of travel in each direction, separated by a median within 120 feet of right-of-way.

The construction of the aforementioned master plan roadways is outlined and displayed in the Stephen's Crossing Phasing Plan, most recently submitted with DSP-20050. Phase 1 includes the construction of Mattawoman Drive from the point at which it currently ends, just north of Brandywine Road, to its intersection with Cattail Way. Cattail Way will also be constructed as part of Phase 1, from its intersection with Mattawoman Drive, culminating prior to Daffodil Court. This first phase of development includes the full section of both roadways. The phasing plans indicate that Phase 1 will be completed prior to the first residential dwelling unit building permit, other than model homes.

Phase 2 of the public roadway construction includes the extension of Cattail Way from its point of culmination in Phase 1, ending just before the Timothy Branch crossing. The phasing plan shows that Phase 2 will be completed prior to the 221st residential dwelling unit building permit.

Phase 2A of public roadway construction includes a half section of Mattawoman Drive with two lanes of travel in each direction, from its intersection with Cattail Way to its intersection with US 301 (Robert Crain Highway). The ultimate configuration of Mattawoman Drive will be constructed with the development of the multifamily building to be located at the northern end of Daffodil Court. The phasing plan shows that Phase 2A will be completed prior to the 250th residential dwelling unit building permit. Condition 30 of PPS 4-11004 requires a traffic signal warrant analysis at the intersection of Mattawoman Drive and Robert Crain Highway at that time.

Phase 3 of public roadway construction includes the construction of Cattail Way from the Timothy Branch crossing to its intersection with Missouri Avenue, at the easternmost bounds of the subject site. The most recent phasing plan shows that Phase 3 will be completed prior to the 455th residential dwelling unit building permit. This is consistent with timing specified in Conditions 10 and 33 of 4-11004, which respectively require construction of a half-section of Cattail Way along the frontage of the SAARC park parcel, and Cattail Way's crossing over Timothy Branch. However, based on the reduction of the overall number of dwelling units in Stephen's Crossing development with the approval of this PPS, the frontage improvements for the SAARC, including the half-section of Cattail Way, shall be complete prior to the 437th residential dwelling unit building permit. This will be required through an amended RFA by Condition 10 of this PPS. The half-section of Cattail Way may need to be built concurrently with the rest of the part of Cattail Way that is in this phase, including the crossing over Timothy Branch. Therefore, the applicant should consider completing the entirety of the Phase 3 roadway construction prior to the 437th residential dwelling unit building permit as well. It is anticipated that the units approved with this PPS will be constructed prior to Phase 3.

Master Plan Pedestrian and Bike Facilities

There are no recommended master-planned facilities in the MPOT nor the master plan along the street frontages of the subject site. 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 (MPOT, pages 9–10):

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.

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 recommends the following:

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 (page 121).

The construction of an 8-foot-wide sidepath along Cattail Way is required by the RFA recorded in Book 49405 page 156 of the County Land Records as well as prior conditions of approval; the sidepath will help to ensure the recommendations of the master plan are met. The prior requirement for sidewalks along both sides of all internal roadways (Condition 21e) is carried forward to the current PPS.

Additional Transportation Findings

The current PPS re-subdivides the area which was approved for the 116 two-over-two dwelling units along Cattail Way, and eight townhouse lots fronting Beane Court. This PPS supersedes the prior approvals for the subject site. Thus, the requirements and conditions of PPS 4-11004 must be re-imposed on the current PPS. The site layout and location of roads and alleys are consistent with prior plans, and they will continue to serve the development as intended, with no major modifications.

The construction of Cattail Way is the primary access for the site and is dependent on the phasing of road improvements, as required in prior approvals. Conditions of approval that are consistent with those required for the overall Stephen's Crossing development will ensure that the

development plan can be implemented. This PPS creates fee simple lots for townhouses and is in no way meant to relieve the site from any prior conditions of approval.

In addition, Conditions 10, 11, and 33 of PPS 4-11004, and the Stephen's Crossing Phasing Plan are tied to cumulative building permits for the overall development. The dwellings within this PPS shall be included in the cumulative total of residential building permits, with respect to the timing for the road improvements.

Based on the findings presented above, multimodal transportation facilities will exist to serve the subdivision, as required under the prior Subdivision Regulations, and will conform to the MPOT and master plan.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5). The master plan contains the following overall goals (page 129):

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

The development will not impede achievement of any of the above-referenced goals. There are no master-planned police, fire and emergency medical service facilities, public schools, parks, or libraries recommended on the subject property.

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

Section 24-122.01(b)(1) of the prior Subdivision Regulations states that the location of the property, within the appropriate service area of the Ten-Year Water and Sewerage Plan, is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community Systems. This category comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. Category 3 status allows the owner of the property to obtain appropriate water and sewer extension authorization. In addition, the property is within Tier 1 of the Sustainable Growth Act.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, 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 right-of-way. The subject property has frontage on Cattail Way and Daffodil Court, which are currently unimproved, but will be constructed as part of the overall Stephen’s Crossing development. The PPS shows the required PUEs along both of these streets.

PUEs are also required along at least one side of all private streets, pursuant to Section 24-128(b)(12). The subject property has frontage on private streets within the overall development, including Beane Court, Corn Tassel Lane, Branch Side Way, Cool Branch Way, and Ferndale Farm Lane. The PPS shows PUEs along all of these streets, ensuring conformance to this section.

12. **Historic**—The master plan contains goals and policies related to historic preservation (Pages 155 to 159). However, these are not specific to the subject site. The overall Stephen’s Crossing development contains Stephen’s Crossing at Brandywine (85A-084), a property documented in 2011. The documented site consists of a tenant farmhouse, a chicken coop, collapsed barns, scattered concrete blocks, a rectangular poured concrete foundation, and one standing tobacco barn. Several hundred yards north of the other buildings are the remnants of an early twentieth-century farm. This site is in ruinous condition and does not meet the criteria for designation as a Prince George’s County historic site.

Stephen’s Crossing was part of several land grants, including “Widow’s Trouble,” “Sarah and Priscilla,” and “Gwynn Park.” The eastern portion of the development was part of the Widow’s Trouble land grant and was owned by the families of Thomas Blandford, Thomas Blacklock, William and Elizabeth Townshend Taylor, and their enslaved laborers. This land was owned early in the nineteenth century by Joseph N. Burch. John Townshend, who held much of the surrounding land, acquired Burch’s portion of Widow’s Trouble in 1840. William H. Boswell obtained a 181.5-acre tract out of the Widow’s Trouble patent in 1874. William H. Boswell and his family resided on the west side of Timothy Branch from the mid-1870s until about 1910, at the location of Documented Property 85A-084. The tract then changed hands frequently throughout the twentieth century. There is no evidence of burials on this property associated with either the property owners’ families or any enslaved occupants.

Artifacts recovered from archeological site 18PR1017 to the east of Timothy Branch were dated from the 18th to 20th centuries. However, no intact cultural deposits or features were identified. Therefore, no additional archeological investigations are required.

The following conditions from PPS 4-11004 (listed in bold text) are relevant to historic preservation. Responses to each condition are given in plain text:

- 18. Prior to approval of the first detailed site plan (DSP) which includes lots, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Section. The DSP shall include the timing for installation of the signage and implementation of public outreach measures.**

The applicant previously submitted a plan showing the location and wording of the interpretive signage along Cattail Way. Historic Preservation staff will continue to work with the applicant on the wording of the interpretive signage prior to its installation. This condition does not need to be carried forward to the subject PPS.

- 19. Prior to the recommendation of approval by The Maryland-National Capital Park and Planning Commission (M-NCPPC) for any ground disturbance or grading permits, the applicant shall deliver all artifacts and appropriate associated documentation to the Maryland State Archeological Conservation Laboratory for curation and shall provide documentation of the state's acceptance of the materials to the M-NCPPC Planning Department's archeologist.**

All artifacts and associated documentation were submitted by the applicant to the Maryland State Archeological Conservation Lab, on August 13, 2021. The applicant submitted the receipt with this PPS. This condition has been satisfied, and therefore, does not need to be carried forward to the subject PPS.

- 20. Prior to approval of the detailed site plan for the multifamily buildings located on the north side of Mattawoman Drive and Cattail Way (Parcel T-1), the applicant shall submit a viewshed analysis from the Gwynn Park Historic Site (85A-013) to identify any buildings that would be visible from the historic site. The architecture of those buildings visible shall be reviewed by the Historic Preservation Section and the Historic Preservation Commission, if determined appropriate at that time.**

The Gwynn Park Historic Site (85A-013) will not be visible from the area included in the subject PPS. The applicant previously submitted a viewshed study for the portion of the development closest to the Early Family National Register Historic District (85A-085). The exhibit demonstrates that existing vegetation will screen the new development from being visible from the National Register Historic District. Additional vegetation will be planted along Missouri Avenue, to enhance the visual buffer. This condition has been satisfied, and therefore, does not need to be carried forward to the subject PPS.

The applicant shall continue to work with Historic Preservation staff to refine the language for the interpretive signs.

- 13. Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Review Case Number	Associated Tree Conservation Plan Number	Authority	Status	Action Date	Resolution Number
CSP-09003-01	TCPI-084-90-01	District Council	Approved	7/19/2012	12-76
CSP-09003	TCP1-007-12	Planning Board	Approved	2/6/2014	14-09
NRI-047-08	N/A	Staff	Approved	3/13/2009	N/A
4-11004	TCP1-007-12-01	Planning Board	Approved	10/2/2014	14-110(C)
4-15011	TCP1-007-12-02	Planning Board	Approved	12/3/2015	15-129
TCP2-008-2017	N/A	Staff	Approved	3/7/2017	N/A
NRI-047-08-07	N/A	Staff	Approved	3/4/2021	N/A
DSP-20050	TCP2-008-2017-01	Planning Board	Approved	3/31/2022	2022-38
DSP-20050-01	N/A	Planning Director	Approved	6/18/2024	N/A
4-23040	TCP1-007-12-03	Planning Board	Approved	10/17/2024	2024-108

Applicable Woodland Conservation Ordinance

This site is subject to the provisions of the 2010 Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the 2018 Environmental Technical Manual (ETM) because it is subject to a new PPS and was accepted prior to July 1, 2024. The site is also subject to the environmental regulations contained in prior Subtitles 24 and 27.

Site Description

The Type 1 tree conservation plan (TCP1) covers a larger geographical area than this PPS (169.34 acres). This analysis is for the overall area, which contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed and within the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or near this property. The entire site is located within the designated network of the *Countywide Green Infrastructure Plan* (GI Plan) of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*. The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map, as designated by Plan 2035, and within the Established Communities, as established by Plan 2035.

Environmental Conformance with Applicable Plans

Prior Approved Plans

Conformance with CSP-09003-01 and TCP1-007-12-01

This CSP was approved by the District Council with five conditions. The following conditions are applicable to the subject TCP1 review:

- Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S. on the subject property, the applicant shall submit to The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George’s County Planning Department, Development Review Division copies**

of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

This condition will be addressed prior to issuance of permits.

- 2. The approval of future DSPs and associated TCPs for lots and parcels subject to Conceptual Site Plan CSP-09003-01 shall reflect the off-site woodland conservation impacts and mitigation approved under Type II Tree Conservation Plan TCP11-055-09.**

This condition was addressed with the certification of the Type 2 tree conservation plan (TCP2) with DSP-20050.

- 3. At the time of any development application for the subject property not limited to infrastructure, with frontage on historic Brandywine Road, appropriate landscape treatment for the historic road adjacent to the right-of-way shall be provided.**

The frontage treatment along historic Brandywine Road was addressed with DSP-20050.

Conformance with CSP-09003 and TCP1-007-12

This CSP was approved by the Planning Board with 24 conditions, including technical corrections to the TCP1. The following conditions are applicable to the subject TCP1 review:

- 20. The Type 1 tree conservation plan (TCP1) and all future TCPs shall demonstrate that the woodland conservation requirement has been provided on-site to the greatest extent possible by providing on-site, at a minimum, the total of the woodland conservation threshold plus the portion of the one-quarter-to-one replacement required for clearing above the threshold.**

This condition was addressed on the TCP1 approved with PPS 4-11004.

- 21. All off-site woodland conservation requirements for the subject property shall be met within the Mattawoman Creek subwatershed, unless the application demonstrates due diligence in seeking out opportunities for off-site woodland conservation locations in accordance with the priorities of Sec. 25-122(a)(6).**

This condition will apply at the time of grading permits, when off-site woodland conservation must be provided.

Conformance with PPS 4-11004 and TCP1-007-90-01

PPS 4-11004 was approved by the Planning Board with 52 conditions, including technical corrections to the TCP1. The subject PPS (4-23040) supersedes 4-11004 within its boundaries; however, conditions that are relevant to this development are carried forward (with any necessary modifications) to the current PPS. The following conditions are relevant to the subject TCP1 review:

- 34. All Type 2 tree conservation plans prepared for the subject property shall include an invasive species management plan which addresses best management practices and appropriate methods of control for invasive species found on-site.**

An invasive species management plan was included with the submittal of DSP-20050. This condition is carried forward with the current PPS.

- 36. Prior to signature approval of the preliminary plan of subdivision, the natural resources inventory shall be revised to delineate additional nontidal wetlands and wetland buffers located on both sides of the Cattail Way right-of-way at the intersection of Missouri Avenue (Outlot W).**

The natural resources inventory (NRI) was updated to accommodate the delineation of the non-tidal wetlands and is shown on the current version, NRI-047-08-08, which was submitted with this PPS. No revision is required at this time.

- 37. At the time of final plat, a primary management area (PMA) conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River PMA, 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:**

“PMA 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.”

This condition will be addressed with the review of the final plat. This condition is carried forward in modified form with the current PPS.

- 38. Prior to issuance of any permits which impact wetlands, wetland buffers, streams, or waters of the U.S., the applicant shall provide the Environmental Planning Section with copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.**

This condition will be addressed prior to issuance of permits. This condition is carried forward with the current PPS.

- 40. Development of this subdivision shall be in conformance with approved Type 1 Tree Conservation Plan TCP1-007-12-01. The following note shall be placed on the final plat of subdivision:**

“This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-007-12-01), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of

any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. 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."

This condition will be addressed with the review of the final plat. This condition is carried forward with the current PPS (referencing the current TCP1).

- 41. Prior to signature approval of the Type 2 tree conservation plan (TCP2) for this site, the liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard TCP2 notes on the plan as follows:**

"Woodlands preserved, planted, or regenerated in fulfillment of woodland conservation requirements on-site have been placed in a woodland and wildlife habitat conservation easement recorded among the Prince George's County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."

This condition will be addressed with the TCP2. This condition is carried forward with the current PPS.

- 42. The following note shall be placed on the final plat:**

"Prior to signature approval of a TCP2 for this property, pursuant to Section 25-122(d)(1)(B), all woodland preserved, planted or regenerated on-site shall be placed in a woodland conservation easement recorded among Land Records of Prince George's County and the liber/folio of the easement shall be indicated in a note on the TCP2 plan."

This condition will be addressed with the review of the final plat. This condition is carried forward with the current PPS.

- 47. The design and implementation of any road improvements to Brandywine Road (MD 381), a designated historic road, required by this project shall be coordinated by the Maryland State Highway Administration (SHA) and include all interested stakeholders, including the Environmental Planning Section, M-NCPPC. The road improvements shall seek to implement context-sensitive solutions as required by SHA policy. This coordination shall occur during the review of the first detailed site plan which includes property abutting Brandywine Road (MD 381).**
- 49. At the time of detailed site plan review for development with frontage on Brandywine Road (MD 381), the treatment for the frontage of Brandywine Road (historic road) shall include the following:**

- a. **Eastern red cedar in the planting palette to match the existing vegetation on the south side of the roadway; and**
- b. **Consistency with the special roadway treatment proposed for Stephen's Crossing, Lot 22, and the Villages of Timothy Branch.**

Conditions 47 and 49 were addressed with the review of DSP-20050.

Conformance with PPS 4-15011 and TCP1-007-90-02

PPS 4-15011 was approved by the Planning Board with 39 conditions. The geographical area of 4-15011 is not in the vicinity of the subject PPS. PPS 4-15011 was limited to 7.12 acres located in the eastern portion of the overall Stephen's Crossing development, southwest of the intersection of Cattail Way and Missouri Avenue. Therefore, the conditions of that plan are not relevant to this PPS.

Master Plan Conformance

The environmental infrastructure chapter of the master plan contains goals, policies, and strategies. The following policies have been determined to be applicable to the PPS. The text in **bold** is the text from the master plan and the plain text provides comments on plan conformance:

Woodlands, Wildlife and Habitat Policies

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

The overall area included in the TCP1 is mapped within the regulated and evaluation areas of the green infrastructure network. This area contains streams and associated buffers, wetlands and associated buffers, and 100-year floodplain within the delineated primary management area (PMA), which are protected by conservation easements to the fullest extent possible, as determined at the time of previous PPS and DSP approvals. However, the area of this PPS does not contain any regulated environmental features (REF). The PPS does include a request for an amendment to an approved PMA impact, which is located outside of the PPS area. The PMA impact request is discussed in the Preservation of Regulated Environmental Features section below.

Water Quality, Stormwater Management, and Groundwater Policies

- **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.**

An approved Stormwater Management (SWM) Concept Plan (37306-2005-02) was submitted with this PPS and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). The concept plan shows the use of stormwater ponds, bio-trenches along roadways, bio-retention facilities, drywells, and underground storage containment to manage the stormwater, and covers the central part of the overall Stephen's Crossing development.

Noise Intrusion Policy

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

The development will not generate excessive noise. Traffic noise affecting the residential development was evaluated with a Phase II noise study submitted with PPS 4-11004. The current PPS shows the locations of the ground level and upper level 65 dBA/Ldn unmitigated noise contours generated by Mattawoman Drive, a future arterial roadway. A revised noise study was not required with this PPS because the only outdoor activity areas shown within the boundaries of this PPS are the rear yards of Lots 7–16, Block B, which are located more than 670 feet from Mattawoman Drive, with multiple structures located in between the rear yards and the arterial roadway. Interior noise mitigation for the dwelling units is required by Condition 23 of CSP-09003.

Conformance with the Green Infrastructure Plan

The GI Plan was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the GI Plan, the overall Stephen's Crossing development contains regulated and evaluation areas. The regulated areas are comprised of an existing stream that branches onto the overall development and its associated 100-year floodplain. The area subject to this PPS does not contain regulated area; however, it is located entirely within the evaluation area. The following policies and strategies are relevant to this PPS. The text in **bold** is the text from the GI Plan and the plain text provides comments on plan conformance:

Policy 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

Strategies

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, re-stored, and/or established by:**

- a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The property is within the Mattawoman Creek of the Lower Potomac River watershed and is within the Mattawoman Creek 1 Tier II catchment area. The Mattawoman Creek Watershed is a primary corridor and a Special Conservation Area. The site contains a stream system, which is within the regulated area of the green infrastructure network. Previous approvals show the majority of the stream system and wetlands will remain undisturbed, and woodland preservation within the stream buffer and PMA are provided. The development was approved for reforestation and woodland preservation around the on-site stream systems to further buffer the sensitive areas and protect downstream habitats. Sensitive species habitat is not identified on this site. SWM will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County's Soil Conservation District. The limits of disturbance shown on the SWM plans and the sediment and erosion control plans shall be consistent with the limits of disturbance on the future TCP2.

Policy 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/or planting of a new corridor with reforestation, landscaping, and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The majority of the overall Stephen's Crossing development is encumbered by regulated and evaluation areas. The regulated area associated with the on-site stream systems runs through the overall development, with both sides located within the evaluation area. Due to the extent of the evaluation area on-site, impacts are proposed; however, buffers to the regulated areas have been maximized to the extent practicable, and no network gaps are located on the site for preservation.

A revision to the Stephen's Crossing TCP1 was provided with this PPS, which shows that the required woodland conservation requirement will be met through on-site woodland conservation and off-site credits. The TCP1 revision meets the 15 percent woodland conservation threshold on-site through woodland preservation and reforestation.

Policy 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan [Green Infrastructure Plan].

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

The master-planned roads and trail systems were located to minimize impacts to the REF with prior approvals, and this PPS keeps the roads and trails as previously approved. The use of arched or bottomless culverts or bridges are encouraged to be used at the stream crossings to provide wildlife and water-based fauna safe passage; however, this level of detail is not provided with the PPS.

Policy 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

No new woodland conservation easements will be required as part of this PPS. Reforestation and preservation areas were placed into woodland and wildlife habitat conservation easement with the prior TCP2-008-2017-01 approval, while all remaining undisturbed areas within the PMA will be protected within a conservation easement on the plat. As a result of the amended PMA impact requested with this PPS, the recorded woodland and wildlife habitat easement shall be amended.

Policy 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The SWM concept plan approved by DPIE shows the implementation of a SWM system that utilizes a combination of stormwater ponds, bio-trenches along roadways, bio-retention facilities, drywells, and underground storage containment to improve the water quality and quantity of runoff that will discharge off-site. An amended PMA impact is requested with this PPS to expand the width of a stormwater outfall easement. This development is reliant on the rest of the PMA impacts previously approved.

Policy 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

Woodland exists on-site along the stream systems. The TCP1 meets the 15 percent woodland conservation threshold on-site by providing on-site preservation and reforestation. Retention of existing woodlands and planting of native species on-site is required by both the ETM and the 2010 *Prince George's County Landscape Manual*, which can count toward the tree canopy coverage (TCC) requirement for the development. TCC requirements will be evaluated with the subsequent DSP.

Forest Canopy Strategies

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**
- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**
- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

The prior approvals conditioned an invasive species management plan, and this condition is carried forward with this PPS. Native landscape planting along the existing woodland edge is encouraged. Woodland conservation is to be designed to minimize fragmentation and reinforce new forest edges.

Environmental Review

Natural Resources Inventory/Environmental Features

The NRI was updated several times to accommodate the delineation of the non-tidal wetlands and the 100-year floodplain. NRI-047-08-08 was provided with this PPS. The TCP1 and the PPS graphically show the REF correctly; however, the WCO worksheet on the TCP1 does not use the current site statistics from the NRI. A condition is included with this PPS to correct the TCP1 worksheet with the current site statistics. No additional information is required regarding the NRI.

Woodland Conservation

The site 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. This project is also subject to the ETM.

The subject property is included in the overall TCP1 for the Stephen's Crossing development. The woodland conservation threshold for this 169.34-acre property is 15 percent of the net tract area, or 19.06 acres. The total woodland conservation requirement based on the amount of clearing is 45.49 acres. This requirement is to be satisfied with 12.71 acres of on-site preservation, 13.32 acres of on-site afforestation, and 19.94 acres of off-site credits. This is in conformance with prior tree conservation plan approvals. Section 25-122(c)(1) of the WCO prioritizes methods to meet woodland conservation requirements. The applicant will meet the entire woodland conservation requirements on-site.

This development is subject to prior approvals. During the prior approvals, the NRI went through eight revisions that updated the REF on-site, including the amount of 100-year floodplain. With each revision the site statistics table was updated. The worksheet on this TCP1 does not use the current totals from the NRI-047-08-08 site statistics table. Prior to signature approval of this PPS, the worksheet on the TCP1 shall be corrected to utilize the current totals from the Site statistic table on the approved NRI-047-08-08.

Any forest mitigation banks used to satisfy off-site woodland conservation requirements for this project must conform to Subtitle 25 of the Prince George's County Code and Sections 5-1601 through 5-1613 of the Natural Resources Article of the Maryland Code (the Maryland Forest Conservation Act), as amended. In accordance with Section 25-122(a)(6) of the WCO, Methods for Meeting the Woodland and Wildlife Conservation Requirements, "If off-site woodland conservation is approved to meet the requirements, then the following locations shall be considered in the order listed: within the same eight-digit sub-watershed, within the same watershed, within the same river basin, within the same growth policy tier, or within Prince George's County. Applicants shall demonstrate to the Planning Director or designee due diligence in seeking out opportunities for off-site woodland conservation locations following these priorities. All woodland conservation is required to be met within Prince George's County."

Specimen Trees

Section 25-122(b)(1)(G) of the WCO requires that "Specimen trees, champion trees, and trees that are part of a historic site, or are associated with a historic structure, shall be preserved. The design shall either preserve the critical root zone of each tree in its entirety or preserve an

appropriate percentage of the critical root zone, in keeping with the tree's condition, and the species' ability to survive construction, as provided in the [Environmental] Technical Manual." The code, however, is not inflexible.

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

A Subtitle 25 variance statement of justification (SOJ) dated July 2, 2024, was submitted for review with this PPS. The SOJ requested the removal of two specimen trees identified as ST-27 and ST-28. The two trees were reviewed with prior PPS 4-11004 and the Planning Board approved a variance for their removal. The subject PPS (4-23040) supersedes the prior approval within its boundaries, and results in the need to request a new variance for the removal of ST-27 and ST-28 with this PPS. These specimen trees are to be removed for the development of the site and associated infrastructure. The subject PPS is centrally located in the middle of the Stephen's Crossing development, and well within the previously approved limits of disturbance.

Evaluation

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

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

In relation to other properties in the area, special conditions peculiar to the subject property would cause an unwarranted hardship if the applicant were required to retain Specimen Trees ST-27 and ST-28. Those "special conditions" relate to the specimen trees themselves, such as their size, condition, species, and on-site location.

The geographic area specific to the specimen trees is at an existing elevation of 232 feet. This PPS is interior to the overall Stephen's Crossing development, and this specific area is surrounded on all sides by roads approved under PPS 4-11004 and DSP-20050. The average grade of the roads is 234 feet, with ST-27 located approximately 15 feet from the right-of-way of Private Road B, and ST-28 located approximately 45 feet from the right-of-way of Private Road B and approximately 50 feet from the master-planned Cattail Way right-of-way. The overall depth of Block E is 98 feet for one row of townhomes, which limits the space available to transition the grades to retain the specimen trees, as well as their critical root zones. The two specimen trees are outside of the PMA and are not abutting any areas for woodland conservation.

The two specimen trees requested for removal are located within the developable parts of the site. The Planning Board approved the variance for the removal of ST-27 and ST-28 with PPS 4-11004; however, since this PPS supersedes the previous 4-11004 within the limits of 4-23040, and because ST-27 and ST-28 are within the limits of 4-23040, the variance request is being reevaluated with this PPS. Retention of these trees and protection of their respective critical root zones would have a considerable impact on the development by creating challenges for building siting, and for adequate circulation and infrastructure through the site. The Stephen's Crossing project located development and master planned roadways to minimize impacts to the regulate environmental features of the site. The geographic area of this PPS is located within the planned development area which does not include any REF.

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

Enforcement of the requirement that all specimen trees be preserved, along with an appropriate percentage of their critical root zone, would deprive the applicant of rights commonly enjoyed by others in similar areas. The applicant seeks to develop the property in accordance with an allowable use, as provided in the prior Zoning Ordinance. The development of property, in accordance with the prior Zoning Ordinance, is a right commonly enjoyed by others in similar areas.

Based on the location of the specimen trees to be removed, retaining the trees, and avoiding disturbance to the critical root zone of Specimen Trees ST-27 and ST-28, would have a considerable impact on the development potential of the property. Not granting the variance request to remove ST-27 and ST-28 would prevent the project from being developed in a functional and efficient manner.

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

The granting of this variance is not a special privilege that would be denied to other applicants. All variance applications for the removal of specimen trees are evaluated in accordance with the requirements of Subtitle 25 and the ETM for site-specific conditions. If other similar developments featured REF and specimen trees in similar conditions and locations, they would be given the same considerations during the review of the required variance application.

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

The existing site conditions or circumstances, including the location of the specimen trees, are not the result of actions by the applicant. The location of the trees and other natural features throughout the overall Stephen's Crossing site is based on natural circumstances that long predate the applicant's interest in developing this site. The removal of two specimen trees would be the result of the infrastructure and grading

required for the development of this project. The request to remove the trees is solely based on the tree's locations on-site, their species, and their condition.

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

There are no existing conditions relating to land or building uses on the site, or on neighboring properties, which have any impact on the location or size of the specimen trees. The trees have grown to specimen tree size based on natural conditions and have not been impacted by any neighboring land or building uses.

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

Granting this variance request will not violate state water quality standards nor cause measurable degradation in water quality. Requirements regarding SWM will be reviewed and approved by DPIE. Erosion and sediment control requirements are reviewed and approved by Prince George's County's Soil Conservation District. Both SWM and sediment and erosion control requirements are to be met in conformance with state and local laws, to ensure that the quality of water leaving the site meets the state's standards. State standards are set to ensure that no degradation occurs.

The required findings of Section 25-119(d) have been adequately addressed for the removal of the two specimen trees identified as ST-27 and ST-28. The requested variance for the removal of two specimen trees for the construction of a residential development is, therefore, approved.

Preservation of Regulated Environmental Features/Primary Management Area

This site contains REF that are required to be preserved and/or restored to the fullest extent possible under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF includes streams, 100-year floodplain, associated buffers, and steep slopes.

Section 24-130(b)(5) states: "Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat."

Impacts to the REF 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 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 REF. The 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.

A letter of justification (LOJ) dated August 2024 was received for the modification of one previously approved impact to this site. The revised impact to the PMA is located outside of the area of this PPS; however, the impact is shown on the TCP1. The LOJ and associated exhibit reflect impacts to REF associated with the development totaling 0.19 acre. This PPS is reliant on the previously approved PMA impacts for the development approved with prior PPS 4-11004 and 4-15011, and DSP-20050.

Impact 1 is for the installation of a stormdrain outfall and associated 30-foot-wide easement from a SWM facility. The previously approved impact planned for a 15-foot-wide easement. This is a necessary impact which will occur in the PMA.

The PMA impact is considered necessary for the orderly development of the subject property. The impact cannot be avoided because it is required by other provisions of the County and State codes. The plan shows the preservation, restoration, and enhancement of the remaining areas of the PMA.

Soils

According to the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, the predominant soils found to occur include the Aquasco silt loam, Aquasco-Urban land complex, Beltsville silt loam, Downer-Hammonton complex, Ingleside sandy loam, Lenni and Quindocqua soils, Leonardtown silt loam, Potobac-Issue, and Woodstown sandy loam. According to available information, Marlboro and Christiana clays are not found to occur on this property.

Based on the foregoing findings, the PPS conforms to the relevant environmental policies of the master plan and GI Plan, and the relevant environmental requirements of Subtitle 25 and prior Subtitle 24.

14. **Urban Design**—The subject PPS satisfies the minimum lot requirements of the Mixed Use-Transportation Oriented (M-X-T) Zone, as required by the prior Prince George's County Zoning Ordinance. The development is subject to DSP approval, in accordance with Section 27-546(a) of the prior Zoning Ordinance. The site is subject to DSP-20050-01, and a DSP amendment reflective of the current PPS proposal (DSP-20050-02) was accepted for review on September 10, 2024.

The regulations and requirements of the prior Zoning Ordinance apply to development within the M-X-T Zone regarding landscaping, buffering, screening, fencing, and other bulk regulations such as building setbacks. These will be evaluated at the time of DSP review. In addition, there

are several prior approved applications for the subject site with conditions of approval that will be applicable at the time of DSP review.

As discussed earlier, the maximum number and type of dwelling units for the development is subject to an approved CSP. CSP-09003 was approved by the Planning Board on March 6, 2014 (PGCPB Resolution No. 14-09), for 169.31 acres to be developed with a total dwelling unit range of 1,245–1,390 dwelling units, including a range of 425–440 townhomes, a range of 120–150 two-over-two units, and a range of 700–800 multifamily units. In addition, this CSP approved up to 100,000 square feet of commercial office space, and a commercial retail range of 100,000 to 200,000 square feet. In addition, DSP-20050 was approved by the Planning Board on April 21, 2022 (PGCPB Resolution No. 2022-38), for 89.5 acres of 169.34 acres to be developed with 431 townhomes and 116 two-over-two units.

With 67 townhouse units to be added to the subject site, the total number of townhouse units will exceed the maximum 440 townhouse units approved with CSP-09003. An amendment to the CSP will be required to permit more than 440 townhomes on the property. The DSP application may amend the existing CSP, in accordance with Section 27-282(g) of the prior Zoning Ordinance.

15. **Community Feedback**—No written correspondence was received from the community regarding the subject PPS.
16. **Planning Board Hearing of October 17, 2024**—At the Planning Board hearing on October 17, 2024, staff read into the record several changes to the conditions of approval agreed upon between staff and the applicant. The applicant provided some background on the overall Stephen's Crossing development and their proposal to change previously approved two-over-two units to townhouse units. The applicant affirmed their agreement to accelerate construction of the Phase 3 Cattail Way road construction, based on the reduction in the overall number of dwelling units in the development, to address the Department of Parks and Recreation's concerns about the timing for construction of the facilities required for mandatory dedication of parkland.

One member of the public, a resident of Brandywine, spoke about the project at the hearing. The resident raised concerns about the impact of development on schools in the area, specifically stating that Brandywine Elementary School is 130 percent over capacity. The resident also raised concerns about the infrastructure supporting the development, stating that Brandywine Road is in a terrible condition, that an influx of traffic is causing delays for school buses to get to schools, and that there are no facilities for students to walk to the Brandywine Elementary School.

In response to the concern about the impact of the development on local schools, the Planning Board noted that this PPS represents a reduction in the overall density of the Stephen's Crossing development. It should be further noted that school adequacy was evaluated with ADQ-2023-070(C) and was found to be met. Specifically, the elementary schools in Cluster 6 were found to be at 77 percent capacity. Regarding the infrastructure supporting the development, traffic adequacy was found to be met with ADQ-2023-070(C) on the basis of the road improvements to be constructed by the developer. Pedestrian connectivity to Brandywine Elementary School is not germane to the review of this PPS because the subject property is in the

interior of the overall Stephen's Crossing development, but pedestrian connectivity for the overall development was evaluated with prior development approvals.

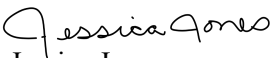
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

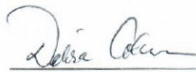
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Doerner, with Commissioners Washington, Doerner, Bailey, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 17, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of November 2024.

Peter A. Shapiro
Chairman

By 
Jessica Jones
Planning Board Administrator

PAS:JJ:EDC:tr


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 11/5/2024