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Specific Design Plan Saddle Ridge

SDP-2304

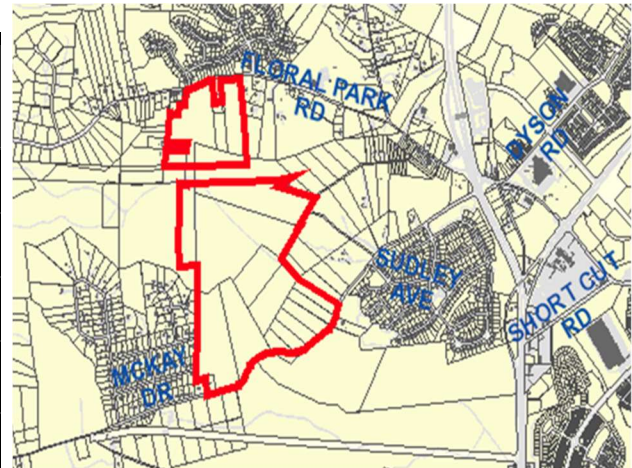
REQUEST	STAFF RECOMMENDATION
Infrastructure improvements including public streets, water, sewer, stormdrain utilities, and stormwater management facilities.	With the conditions recommended herein: • APPROVAL of Specific Design Plan SDP-2304 • APPROVAL of Type 2 Tree Conservation Plan TCP2-011-2024 • Approval of a Variance to Section 25-122(b)(1)(G)

Location: On the south side of Floral Park Road, approximately 268 feet west of its intersection with Old Liberty Lane.

Gross Acreage:	289.36
Zone:	LCD
Prior Zone:	R-S
Reviewed per prior Zoning Ordinance:	Section 27-1704(b)
Dwelling Units:	N/A
Gross Floor Area:	N/A
Planning Area:	85A
Council District:	09
Municipality:	N/A

Applicant/Address:
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137 Mitchells Chance Road, Suite 300
Edgewater, MD 21037

Staff Reviewer: Jill Kosack
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Planning Board Date:	06/13/2024
Planning Board Action Limit:	06/20/2024
Staff Report Date:	05/30/2024
Date Accepted:	02/14/2024
Informational Mailing:	12/06/2023
Acceptance Mailing:	02/07/2024
Sign Posting Deadline:	05/14/2024

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

http://www.mncppcapps.org/planning/Person_of_Record/.

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-2304
 Type 2 Tree Conservation Plan TCP2-011-2024
 Saddle Ridge

The Urban Design staff has reviewed the specific design plan for the subject property and presents the following evaluation and findings leading to a recommendation of APPROVAL, with conditions, as described in the Recommendation section of this technical staff report.

EVALUATION

This property is within the Legacy Comprehensive Design (LCD) Zone. The property is subject to Zoning Map Amendment (Basic Plan) A-10060 and Comprehensive Design Plan CDP-22001. Pursuant Section 27-1704(b) and (h), the applicant has elected to proceed to have this application reviewed and decided under the requirements of the prior Prince George's County Zoning Ordinance. Technical staff considered the following in reviewing this application:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-10060;
- b. The requirements of the prior Prince George's County Zoning Ordinance in the Residential Suburban Development (R-S) Zone;
- c. The requirements of Comprehensive Design Plan CDP-22001;
- d. The requirements of the 2010 *Prince George's County Landscape Manual*;
- e. The requirements of the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- f. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- g. Referral comments.

FINDINGS

Based upon the analysis of the subject application, the Urban Design staff recommend the following findings:

1. **Request:** This application requests approval of a specific design plan (SDP) for infrastructure improvements, including public streets, water, sewer, stormdrain utilities, and stormwater management (SWM) facilities.

2. **Development Data Summary:**

	EXISTING	EVALUATED
Zones	LCD	Prior R-S
Use	Vacant	Infrastructure
Gross Total Acreage	289.36	289.36
Floodplain Acreage	33.24	33.24
Net Acreage of SDP	256.12	256.12

3. **Location:** This site is located on the south side of Floral Park Road, approximately 268 feet west of its intersection with Old Liberty Lane.
4. **Surrounding Uses:** The subject site is bounded to the north by Floral Park Road, with single-family dwellings in the Residential, Rural (RR) Zone beyond; to the east by undeveloped land in the Residential Estate (RE) Zone; to the south by MD 373 (Accokeek Road), with single-family dwellings in the RR Zone beyond; and to the west by single-family dwellings in the RE Zone. The property is also divided into two development areas, the northern and southern development areas, which are separated by an existing Potomac Electric Power Company (PEPCO) high tower power line easement.
5. **Previous Approvals:** Portions of the property have been used for surface mining operations permitted by special exceptions which are listed below. The property has been cleared of the mining operation and the majority of the site remains wooded. The following applications were previously approved for the subject property:

In 1966, the Prince George's County District Council approved Special Exception SE-1299, which approved a sand and gravel mine on a larger tract of land that included the subject property.

In 1967, the District Council approved SE-1589, SE-1590, and SE-1593, which were requested by the Washington Gas Light Company, for three separate parcel areas for gas storage field operations. No conditions were required for these special exceptions. Further information can be found in Zoning Resolution Nos. 444-1967, 445-1967, and 450-1967.

In 1976 and 1992, the District Council approved SE-2903 and SE-4043. The applications were requested by Lone Star Industries for several parcels for sand and gravel mining operations. No conditions were required for these special exceptions.

The subject property was the subject of Zoning Map Amendment (Basic Plan) A-10060, which was recommended for approval by the Prince George's County Planning Board (PGCPB), pursuant to PGCPB Resolution No. 2021-92, adopted on July 29, 2021. The basic plan requested that the property be rezoned from the prior Rural Residential (R-R) and Residential-Estate (R-E) Zones to the prior Residential Suburban Development (R-S) Zone. The evidential hearing was held before the Prince George's County Zoning Hearing

Examiner (ZHE) on October 27, 2021, and the record was closed. Subsequently, ZHE certified the basic plan on November 22, 2022. Pursuant to Section 27-4205(c)(3) of the Prince George's County Zoning Ordinance, the requirements of the prior R-S Zone now apply. The density range permitted with the basic plan was 737 to 955 dwelling units.

On October 19, 2023, the Planning Board approved Comprehensive Design Plan CDP-22001, for Saddle Ridge (PGCPB Resolution No. 2023-108). The CDP approved a residential development, with a mix of housing types consisting of up to 621 single-family detached and up to 333 single-family attached units, for a total of 954 dwelling units.

6. **Design Features:** The 289.36-acre subject property contains mapped regulated environmental features (REF) including streams, wetlands, and 100-year floodplain. The site is characterized by steep slopes associated with the Burch Branch stream and its tributaries.

The subject SDP proposes infrastructure improvement designs for public streets, water, sewer, stormdrain utilities, and SWM facilities, all of which will be essential to further develop the site as a residential community. No development of lots, parcels, or dwelling units is proposed at this time.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-10060:** The District Council approved Basic Plan A-10060 on October 17, 2022, for development of up to 955 single-family detached and attached dwelling units in the prior R-S Zone, with no conditions.
8. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the applicable SDP requirements of the prior Zoning Ordinance.
 - a. Section 27-527 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP:

- (a) **The applicant shall demonstrate to the Planning Board that, in the preparation of the Specific Design Plan, he has devoted adequate attention to building and landscape design, and engineering factors. The signatures of a qualified design team (including an architect, a landscape architect, and a professional engineer) on the Specific Design Plan shall be prima facie evidence that the respective factors within the scope of the signer's profession have been considered.**

The subject plan conforms to the requirements of this Section by establishing infrastructure improvement designs for public streets, water, sewer, stormdrain utilities, and SWM facilities, to further development of the site, in conformance with CDP-22001. The subject SDP does not include any landscape, building, or architectural components. The site plan was prepared by Rodgers Consulting Inc. and signed by the appropriate civil engineer, in accordance with this requirement. This criterion will be evaluated again with the full SDP.

- (b) **The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:**
- (1) **A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them; and in the V-M and V-L Zones, a three-dimensional model and a modified grid plan, which may include only the Village Proper, and any Hamlet, which incorporates plan concepts, spatial and visual relationships, streetscape, and other characteristics of traditional rural villages shall be provided prior to Planning Board and District Council review;**
 - (2) **Reproducible preliminary architectural plans, including floor plans and exterior elevations;**
 - (3) **A reproducible landscape plan prepared in accordance with the provisions of the Landscape Manual;**
 - (4) **A Type 2 Tree Conservation Plan prepared in conformance with Division 2 of Subtitle 25 and The Woodland and Wildlife Habitat Conservation Technical Manual or Standard Letter of Exemption;**
 - (5) **An approved Natural Resource Inventory; and**
 - (6) **A statement of justification describing how the proposed design preserves or restores the regulated environmental features to the fullest extent possible.**

This SDP has been prepared to meet all the applicable drawing and plan submission requirements. The subject application is for infrastructure only, to support the ultimate development of the property. Thus, no architectural elevations are included at this time. All development details will be reflected in the full SDP submittal. A Type 2 Tree Conservation Plan, TCP2-011-2024, has been submitted in conjunction with this application and reflects all proposed infrastructure improvements and impacts.

A Natural Resources Inventory Plan, NRI-150-06-01, was submitted with the review package, which was approved on August 19, 2022. The property included in the NRI contains mapped REFs including streams, wetlands, and 100-year floodplain. A statement of justification (SOJ) was submitted that describes how the REFs are preserved to the fullest extent possible.

- (c) **An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider**

the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.

This SDP is for infrastructure only. Specifically, the application proposes infrastructure improvements for public streets, water, sewer, and stormdrain utilities, and SWM facilities for the property. All areas shown to be impacted by this application will ultimately be developed with residential units, in conformance with the approved CDP applicable to the property. A TCP2 has been submitted for review with this application. An approved SWM Concept Plan (24297-2023-00) was also submitted with this application. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on May 8, 2024.

- b. Section 27-528 of the prior Zoning Ordinance sets forth the following criteria for approval of an SDP for infrastructure:

(b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.

This application conforms to the approved CDP-22001, as mentioned herein. Further, the proposed layout and associated infrastructure will not be detrimental to the health, safety, or welfare of any resident or property owner within the County.

This application area contains REFs including steep slopes, floodplain, wetlands, streams, and their associated buffers which comprise the primary management area (PMA). This SDP application is only for impacts needed for on-site infrastructure. The proposed infrastructure is necessary to implement the planned residential development for the property, as reflected in the approved basic plan and CDP. The ultimate development of the residential uses for the property will promote the health, safety, and welfare of the existing residents of the County by providing a variety of new living opportunities, as well as increasing the overall tax base for Prince George's County. In addition, all grading activities will be performed pursuant to a site development permit from DPIE and will respect all approved limits of disturbance established for the property, thereby preventing off-site property damage and environmental degradation. The

proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge.

9. **Comprehensive Design Plan CDP-22001:** CDP-22001 for Saddle Ridge was approved by the Planning Board on October 19, 2023 (PGCPB Resolution No. 2023-108), and affirmed by the District Council on January 18, 2024, for a residential development with a mix of housing types consisting of up to 954 dwelling units, subject to nine conditions and two considerations. The conditions that are relevant to the review of this SDP are provided as follows:

3. **At the time of specific design plan, the applicant shall submit a list of sustainable site and green building techniques that will be used in the development and will be included in the design guidelines.**

The subject SDP does not include any landscape, building, or architectural components. This condition will be evaluated with the full SDP.

8. **The timing of construction of the master-planned trails shall be determined with the approval of the specific design plan.**

The current proposal is for infrastructure improvements and includes a conceptual location for the master-planned trail. The current submittal includes areas where the trail will run parallel to internal streets. The applicant has updated the plan to include a 10-foot-wide shared-use path in these areas. The above-referenced condition shall remain in effect and shall be addressed at the time of any SDP for construction.

9. **Upon receipt of the Phase I report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, a plan for evaluating the resource at the Phase II level, the Phase III level, or avoiding and preserving the resource in place shall be provided, prior to Prince George's County Planning Board approval of the final plat. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.**

A Phase I archeological survey of 11.3 acres, including Parcel 143 (Tax ID 1140235), Parcel 037 (Tax ID 1174572), Parcel 236 (Tax ID 5528410), and Parcel 188 (Tax ID 1189182), was completed in March 2024. One archeological site, 18PR1259, was identified. No further archeological investigation is required.

10. **2010 Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the prior Zoning Ordinance, an SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.6, Buffering Development from Streets; and Section 4.7, Buffering Incompatible Uses, of the Landscape Manual because it does not propose a change in intensity of use, or an increase of

impervious area for parking or loading spaces or gross floor area on the subject property. Future SDPs that include development of the site will be reevaluated for conformance with the applicable sections of the Landscape Manual.

11. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This property is subject to the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland. TCP2-011-2024 was submitted with the SDP application.

Based on the TCP2, the overall site contains a total of 202.91 acres of net tract woodlands, and 29.24 acres of wooded floodplain. This application uses the prior zoning (R-S) woodland conservation threshold with a requirement of 51.22 acres (20 percent), and the total woodland conservation requirement is 92.07 acres. Currently, the plan and woodland conservation worksheet show 72.16 acres of on-site preservation, 10.84 acres of reforestation, and 9.07 acres of off-site woodland credits for a woodland conservation of 92.07 acres.

A consideration of the basic plan (A-10060) application stated that the applicant shall make every effort to meet the entire woodland conservation requirement on-site. The submitted TCP2 shows off-site woodlands to meet the requirement. At the time of the preliminary plan of subdivision (PPS) submission, the applicant shall demonstrate conformance with this consideration.

12. **Prince George's Country Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading or building permit for more than 5,000 square feet of disturbance. Properties applying the prior R-S Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. Conformance with the requirements of the Tree Canopy Coverage Ordinance will be evaluated when a full-scale SDP is submitted for consideration.

13. **Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:

- a. **Community Planning**—In a memorandum dated February 29, 2024 (Calomese to Lockhart), incorporated herein by reference, the Community Planning Division noted that the applicable master plan is the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (master plan). Master plan conformance was determined with the approval of the Basic Plan (A-10060). The residential development was approved for up to 954 dwelling units, with a mix of housing types.
- b. **Transportation Planning**—In a memorandum dated May 16, 2024 (Patrick to Lockhart), incorporated herein by reference, Transportation staff provided an analysis of previous conditions of approval that have been incorporated in the findings above. The memorandum noted that the subject property fronts along Floral Park Road to its north. The 2009 *Approved Countywide Master Plan of Transportation* (MPOT) recommends this portion of Floral Park Road as a four-lane,

master-planned, primary roadway within 60 feet of right-of-way. In addition, the subject property fronts along Accokeek Road to its south. The MPOT recommends this portion of Accokeek Road as a four-lane collector roadway within 80 feet of right-of-way. At time of PPS, the applicant will be required to demonstrate adequate dedication of 40 feet from centerline along Accokeek Road, and dedication of 30 feet from the centerline along Floral Park Road.

In addition, the following comments were offered:

Transportation Planning Review

The applicant's submission displays vehicular and conceptual bicycle and pedestrian movement throughout the site. Two points of vehicle access have been provided along the site's frontage of Accokeek Road. The site is bifurcated by a PEPCO easement that will separate the development into two sections. There will be no vehicular connection provided from the northern section to the southern section, however, the master-planned trail will provide pedestrian connection between the two sections. The current application for infrastructure does not include any indication of traffic calming measures. A condition has been included herein for the applicant to submit a traffic calming exhibit displaying calming measures throughout the development.

Sidewalks are shown along both sides of all roads throughout the subdivision, along with the location of the master-planned trail. At this time, staff do not believe the intent of the area master plan has been met. The details and location of both the shared-use path and marked bicycle lanes can be evaluated at a subsequent SDP submittal. A condition has been included herein for the shared-use path and shared roadway be provided along the entire site's frontage, to satisfy the intent of the master plan, unless modified with written correspondence from the operating agency.

- c. **Subdivision**—In a memorandum dated May 14, 2024 (Diaz-Campbell to Lockhart), incorporated herein by reference, Subdivision staff provided an analysis of previous conditions of approval which are incorporated in the findings of this technical staff report. In addition, the following comments were offered:

- (1) The SDP shows public utility easements provided along both sides of all public streets, as required by Section 24-122(a) of the prior Prince George's County Subdivision Regulations. Conformance with this requirement will be evaluated at the time of PPS.
- (2) The layout of all proposed streets will be evaluated in accordance with the Subdivision Regulations, at the time of PPS, and may require revisions to the layout shown on this SDP.
- (3) Final plats for the property will be required following approval of the PPS and SDP before permits may be approved for the subject property.
- (4) The PPS is necessary to evaluate the location of the infrastructure proposed in this SDP. The PPS will be required before applying for a grading permit.

- d. **Environmental Planning**—In a memorandum dated May 14, 2024 (Schneider to Lockhart), incorporated herein by reference, a review of the site’s environmental features and prior conditions of approval was presented. The site has an approved Natural Resources Inventory Plan (NRI-150-06-01) which shows the existing conditions of the property. The TCP2 requires technical corrections with conditions recommended herein.

Specimen Trees

Section 25-122(b)(1)(G) of the Prince George’s County Code 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 and 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 Technical Manual.” The Code, however, is not inflexible.

The authorizing legislation of the 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 the WCO are set forth in Section 25-119(d) of the County Code. Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

The site contains 275 on-site specimen trees with 151 rated in good condition, 108 rated in fair condition, 10 rated in poor condition, one rated in fair/poor condition, and 5 specimen trees not rated. The subject SDP application for infrastructure proposes to remove 34 specimen trees, leaving 241 specimen trees. These requested 34 specimen trees for removal have condition ratings of good (25 specimen trees) and fair (9 specimen trees). When reviewing the application submittal, the specific location detail areas show only 33 specimen trees. Specimen Tree ST-80 is missing from the submittal. This SDP infrastructure review for specimen tree removal will evaluate 33 specimen trees.

Evaluation

Staff support the removal of 22 of the 33 specimen trees requested by the applicant. The remaining 11 trees will be evaluated for removal with the PPS. After the removal of 22 specimen trees, the remaining specimen trees on-site will be 253, in compliance of Section 25-122(b)(1)(G) of the Prince George’s County Code. Furthermore, retaining majority of the specimen trees on-site aligns with one of the policies of the WCO, which is to conserve and protect trees through planning techniques and construction practices, in order to prevent adverse effects on any sensitive environmental features.

Section 25-119(d) contains six required findings [text in **bold** below] to be made before a variance from the WCO can be granted. An evaluation of this variance request for the removal of 22 specimen trees, with respect to the required findings, is provided below.

(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 property would cause an unwarranted hardship if the applicant were required to retain these 22 specimen trees identified as ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-146, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249. Requiring the applicant to retain the 22 specimen trees on the site would further limit the required infrastructure impacts for development to the extent that it would cause the applicant an unwarranted hardship. The application for infrastructure is only for the proposed residential subdivision. The subject specimen trees are located within or adjacent to proposed limit of disturbance areas for proposed SWM structures (basin, outfall, and grading), sediment trap, main entrance road, and sewer extension pipelines. In addition, development cannot occur on the portions of the site containing PMA, which limits the site area available for infrastructure and development.

The large amount of specimen trees (275) located throughout the entire property makes it challenging to develop the site without affecting a single specimen tree. Retaining these 22 specimen trees would make this proposed infrastructure development impossible. The proposed use, for residential development, is a significant and reasonable use for the subject site, and it cannot be accomplished without the infrastructure impacts requested with this variance.

(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 site contains 275 specimen trees, and the applicant proposes to remove 22 of these trees. The 22 specimen trees are being removed due to their location within the proposed infrastructure limit of disturbance. The applicant proposes 72.16 acres of their woodland conservation requirements on-site in preservation, and most of the remaining specimen trees are located within the area for preservation.

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

Not granting the variance would prevent the infrastructure project and the overall Saddle Ridge subdivision from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential infrastructure developments were mostly wooded with REFs and substantial amounts of specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of the 22 specimen trees would be the result of their location within the proposed infrastructure limit of disturbance and preserving the woodland conservation requirement on-site to achieve optimal development for the residential subdivision with associated infrastructure.

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

There are no existing conditions, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the 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.

The removal of 22 specimen trees will not adversely affect water quality. Furthermore, the proposed Saddle Ridge development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District, and the approval of a SWM concept plan by DPIE. The plan proposes to use micro-bioretenion ponds, and submerged gravel wetlands. The applicant proposes to meet the woodland conservation requirement with on-site woodland preservation, reforestation, and off-site woodland credits.

The applicant submitted a variance request to remove 33 specimen trees, but staff support the removal of 22 specimen trees (ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74 ST-81, ST-90, ST-125, ST-126, ST-147, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249) required for infrastructure construction.

Ten of the requested specimen trees for removal (ST-1, ST-3, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64), are located on proposed residential lots and not for infrastructure. The one off-site Specimen Tree, ST-202, will not be reviewed as part of this variance because off-site impacts are not reviewed for environmental conformance.

Environmental staff recommend that the Planning Board grant the variance removal request for 22 specimen trees identified as ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-147, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249.

A condition has been included herein requiring the applicant to provide a variance request and full evaluation regarding the removal of Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 within the proposed residential lots, with the acceptance of a PPS, when more detailed information is available.

Regulated Environmental Features

This application area contains REFs including steep slopes, floodplain, wetlands, streams, and their associated buffers which comprise the PMA. This SDP application is only for impacts needed for on-site infrastructure. The applicant proposed 21 PMA impact areas as part of this infrastructure application for SWM outfall structures, one trail connection, one road crossings, and three sewer connections. These proposed impact areas require infrastructure to adequately develop the proposed Saddle Ridge subdivision.

One requested impact area for an interior trail connection (Impact D) does not meet the standard which is being used for this SDP for infrastructure review. This requested trail impact is to improve an existing farm road stream culvert crossing into a pedestrian trail crossing. The trail will connect two of the proposed on-site development areas and continue with a proposed subdivision trail system. This impact is not for infrastructure purposes for this SDP and will be considered with the subsequent PPS.

Staff recommend the approval of 20 impact areas (A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U) and does not recommend approval of Impact Area D, a trail connection.

A condition has been included herein requiring the applicant to provide a SOJ and full evaluation regarding PMA impacts within the proposed residential lot area and for Impact Area D be required with the acceptance of a PPS when more detailed information is available.

- e. **Historic**—In a memorandum dated May 20, 2024 (Smith, Chisholm, and Stabler to Lockhart), incorporated herein by reference, it was noted that a Phase I archeological survey was completed in September 2007. Three 20th-century archeological sites were identified—18PR915, 18PR916, and 18PR917. Site 18PR915 is the remains of a farmstead dating to the second and third quarters of the 20th century. Site 18PR916 is a late 19th to 20th-century barn ruin. Site 18PR917 is an extensive mid-20th-century artifact scatter that likely represents contract refuse removal from the Statler Hotel, in the District of Columbia, in the 1940s. These sites were disturbed by their subsequent demolition and no intact archeological deposits or features were noted in the Phase I survey.

Another Phase I archeological survey was completed in March 2024. One archeological site, 18PR1259, was identified. It is a precontact lithic concentration located in the northwest corner of Parcel 188. Archeological Site 18PR917, the extensive mid-20th century artifact scatter identified during the 2007 archeological survey, was expanded to include all of Parcel 236. These sites were highly disturbed, and no intact archeological features were identified. Therefore, no further

archeological work was recommended on Parcels 143, 037, 236, and 188. No further archeological investigation is required.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated May 13, 2024 (Thompson to Lockhart), DPR staff provided an analysis of previous conditions and noted that any DPR-related impacts and conditions will be reviewed with subsequent development applications.
 - g. **Permit Review**—In a memorandum dated March 18, 2024 (Meneely to Lockhart), Permits staff noted that they have no comments for the subject application.
 - h. **Special Projects**—At the time of the writing of this technical staff report, the Special Projects section had no comments on the subject SDP.
 - i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated February 21, 2024 (Branch to Lockhart), incorporated herein by reference, DPIE provided comments regarding the sewer and water lines for the subject site.
 - j. **Prince George's County Department of Public Works and Transportation (DPW&T)**—In a memorandum dated March 27, 2024 (Quayim to Lockhart), incorporated herein by reference, DPW&T provided the following comments regarding the public roadways for the subject site:
 - (1) The development is not located in any of the urban centers where urban design standards (2017) are mandatory. The applicant needs to provide justification for using the urban design standard and needs to adopt/follow the appropriate 2012 DPW&T Specifications and Standards for Roadways and Bridges.
 - (2) All dead-end roadways should have appropriate end-of-road treatments (i.e. hammerhead/cul-de-sac) considered/exhibited.
 - (3) There are a few locations (i.e., Road S, Road V, Road T, and Road W) where the horizontal curves appear to be very stringent, which may prompt limiting sight distance issues for regular traffic. We recommend that the applicant ensures that all of these horizontal curves meet the County standards.
 - (4) There are three access points to the development from Accokeek Road. Based on the available right-of-way, these access points need to accommodate accel/decel lane along Accokeek Road. Considering the relatively higher volume/speed of traffic along Accokeek Road, such provisions would allow safer turning movements in/out of the development, while separating the mainstream Accokeek Road traffic.
14. **Community Feedback:** At the time of the writing of this technical staff report, the Prince George's County Planning Department did not receive any written correspondence from the community on this subject application.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this technical staff report and APPROVE Specific Design Plan SDP-2304, and Type 2 Tree Conservation Plan TCP2-011-2024, for Saddle Ridge, subject to the following conditions:

1. Prior to certification of the specific design plan, the plan shall be revised to provide the limits of disturbance to match Type 2 Tree Conservation Plan TCP2 011-2024, as revised.
2. Prior to certification of the specific design plan for construction, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. A traffic calming exhibit detailing the traffic calming measures throughout the development.
 - b. A 10-foot-wide, shared-use path along the site's frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
 - c. A standard bicycle lane along the site's frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
 - d. The details, location, and timing of construction of the master-planned trail.
3. With the acceptance of the preliminary plan of subdivision, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. Provide a variance request and full evaluation regarding the removal of Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 within the proposed residential lots.
 - b. Provide a statement of justification and full evaluation regarding primary management area impacts within the proposed residential lot area and for Impact Area D.
4. No grading or building permits shall be approved for the subject property prior to the approval of a preliminary plan of subdivision.
5. Prior to signature approval of the specific design plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:
 - a. Revise the limits of disturbance and specimen tree table on Sheet 2, to show that Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 are to remain.
 - b. Revise the limits of disturbance and primary management area impacts to remove requested Area D from the plan view.

- c. 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 in the Prince George's County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement."
 - d. Prior to signature approval of the TCP2, have the property owner sign the Owner's Awareness Certificate on each sheet of the TCP2.
 - e. Add the following note to the plan under the specimen tree table:

"NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 22 specimen trees (Section 25-122(b)(1)(G)), ST-2 (30-inch Tulip polar), ST-4 (33-inch White oak), ST-10 (33-inch Sweet Gum), ST-24 (32-inch Tulip polar), ST-26 (30-inch Tulip polar), ST-33 (41-inch Tulip polar), ST-34 (35-inch Pin Oak), ST-36 (33-inch Tulip polar), ST-37 (39-inch Tulip polar) , ST-74 (30-inch Tulip poplar), ST-81(39-inch Tulip polar), ST-90 (43-inch Northern Red oak), ST-125 (34-inch White oak), ST-126 (30-inch American Beech), ST-147 (37-inch Tulip polar), ST-176 (33-inch Tulip polar), ST-177 (30-inch Tulip polar), ST-219 (38-inch White oak), ST-221 (33-inch Tulip polar) , ST-235 (32-inch Tulip polar), ST-248 (30-inch Southern Red oak), and ST-249 (32-inch Tulip polar)."
 - f. Add a revision note and have the revised plan signed and dated by the qualified professional preparing the plan.
6. Prior to the issuance of any permits which impact 100-year floodplain, 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.

Consideration

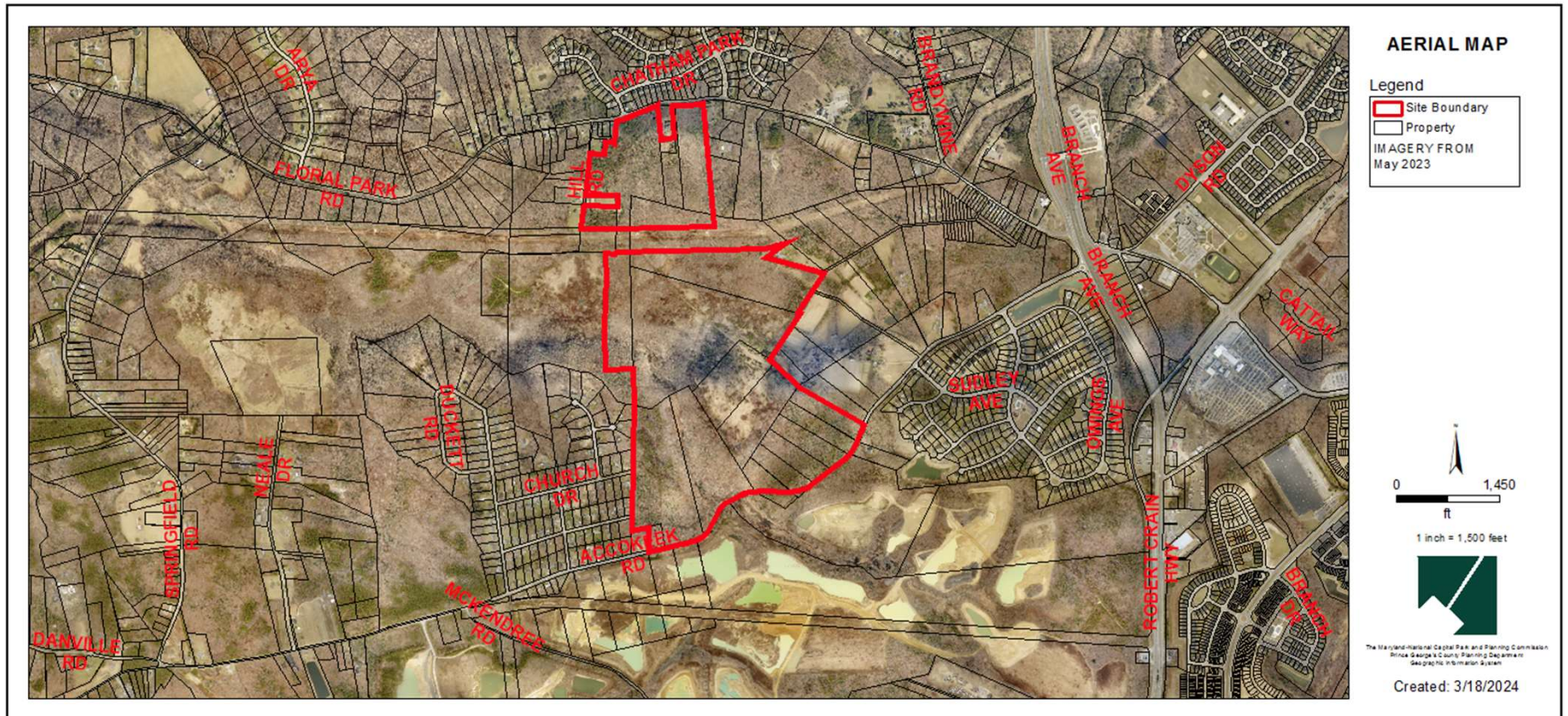
1. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.

SADDLE RIDGE

Specific Design Plan

Type 2 Tree Conservation Plan TCP2-011-2024

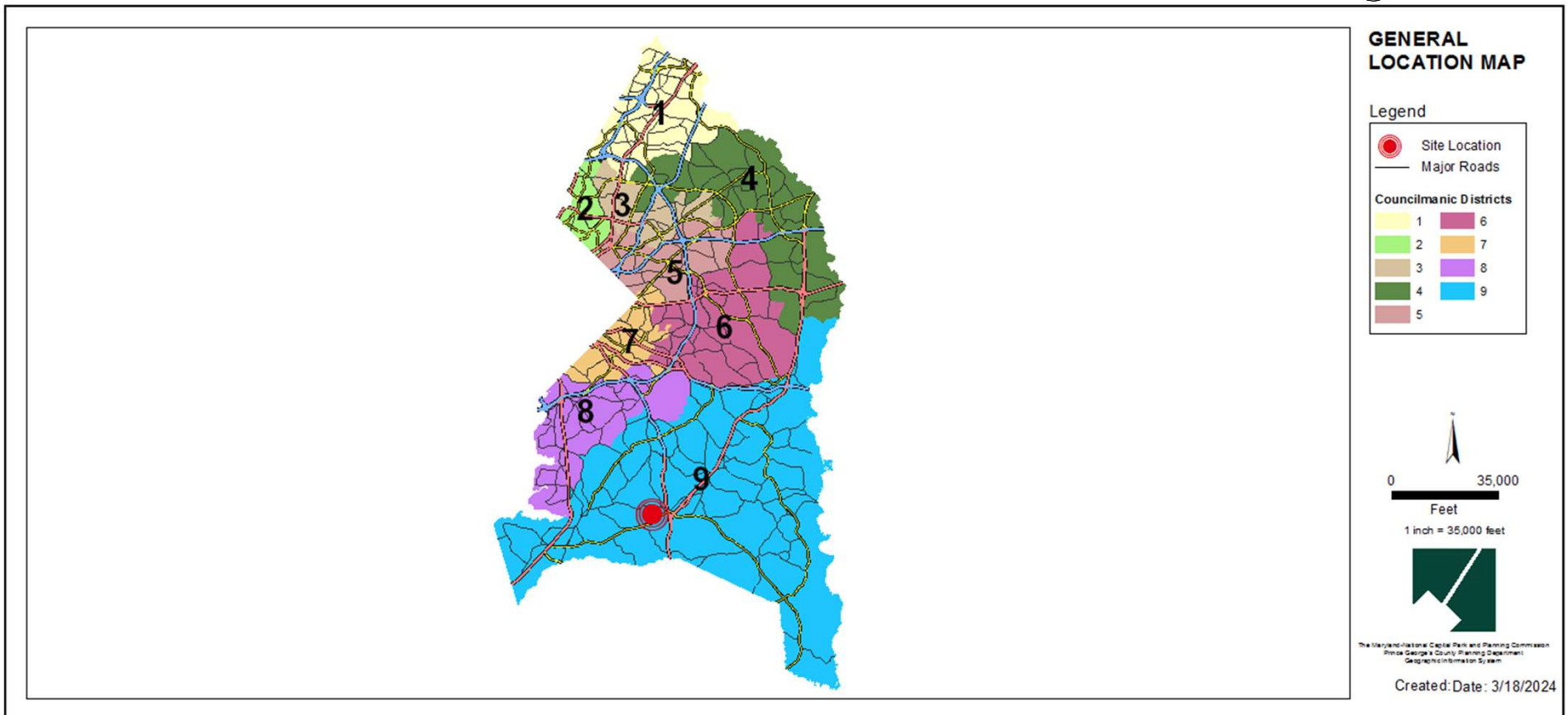
Staff Recommendation: APPROVAL with conditions



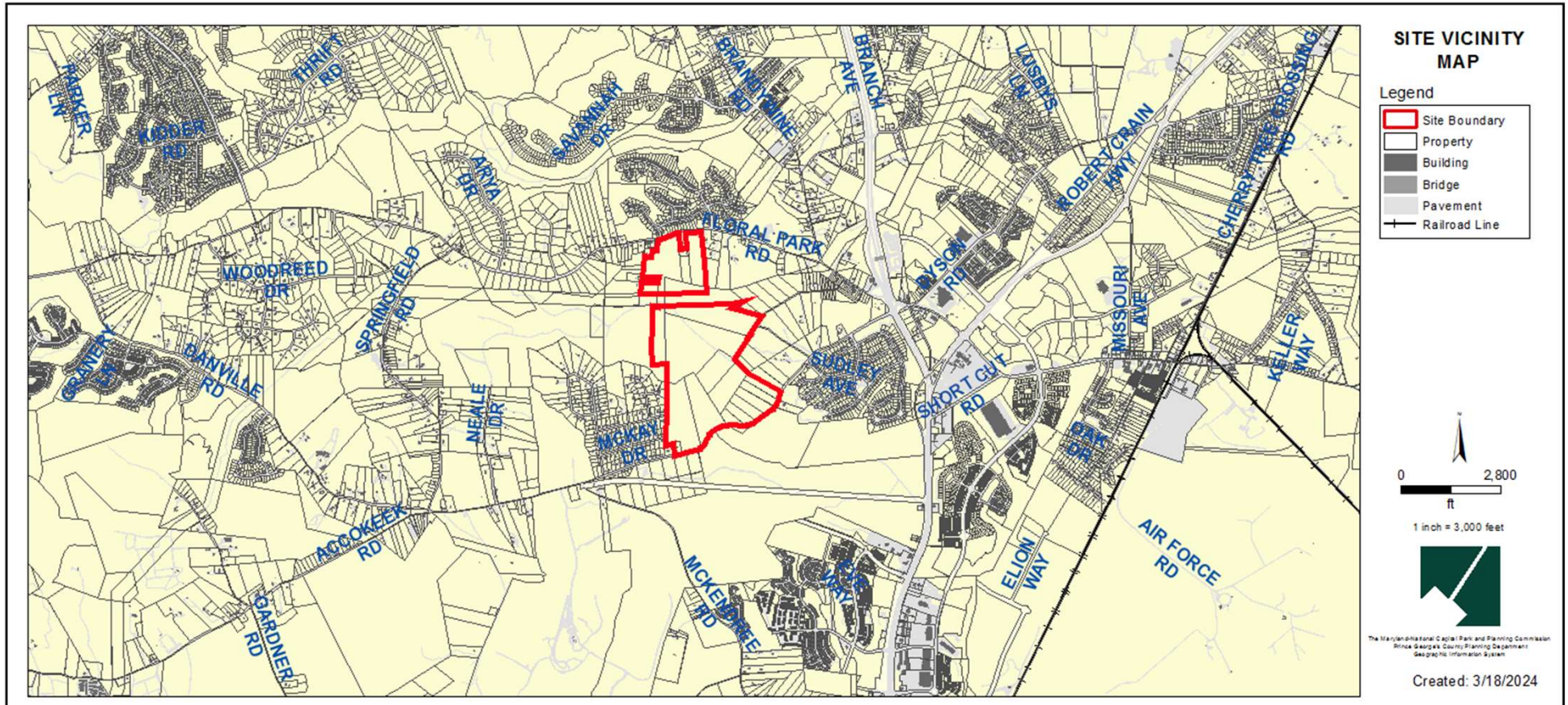
GENERAL LOCATION MAP

Council District: 09

Planning Area: 85A



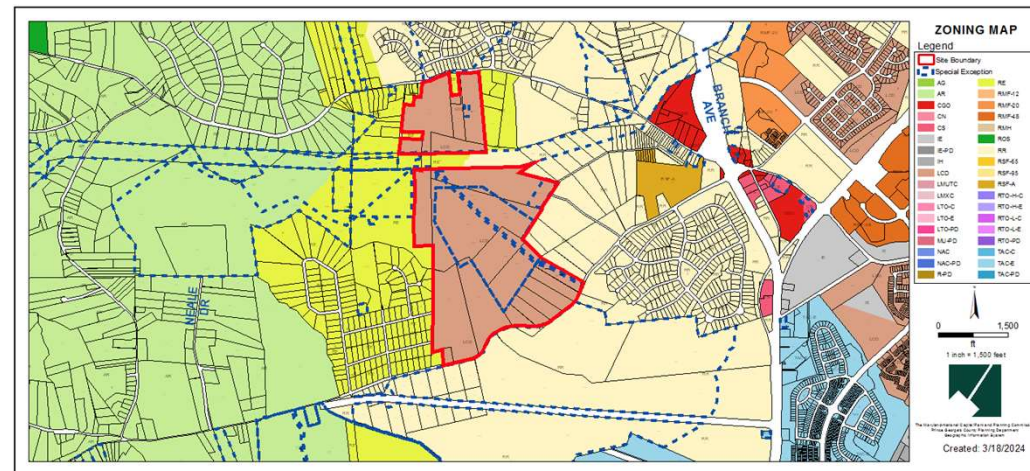
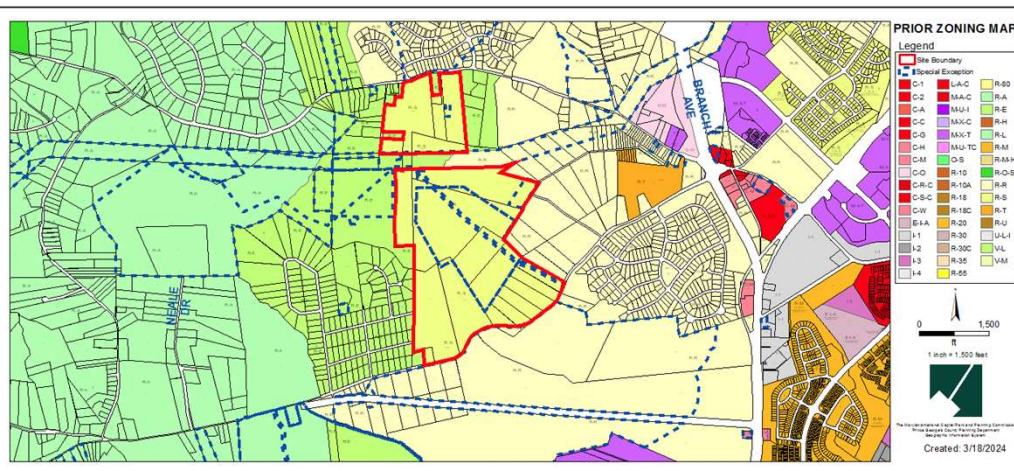
SITE VICINITY MAP



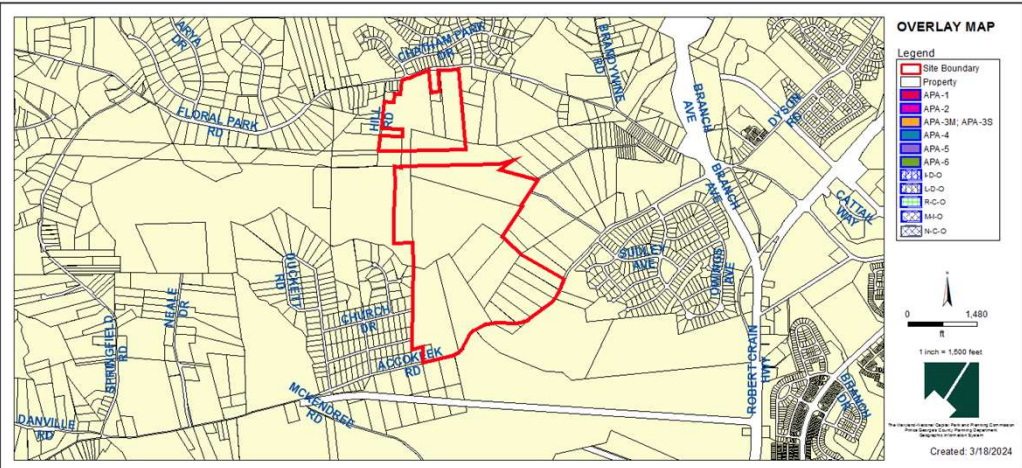
ZONING MAP (PRIOR AND CURRENT)

Prior Property Zone: R-S

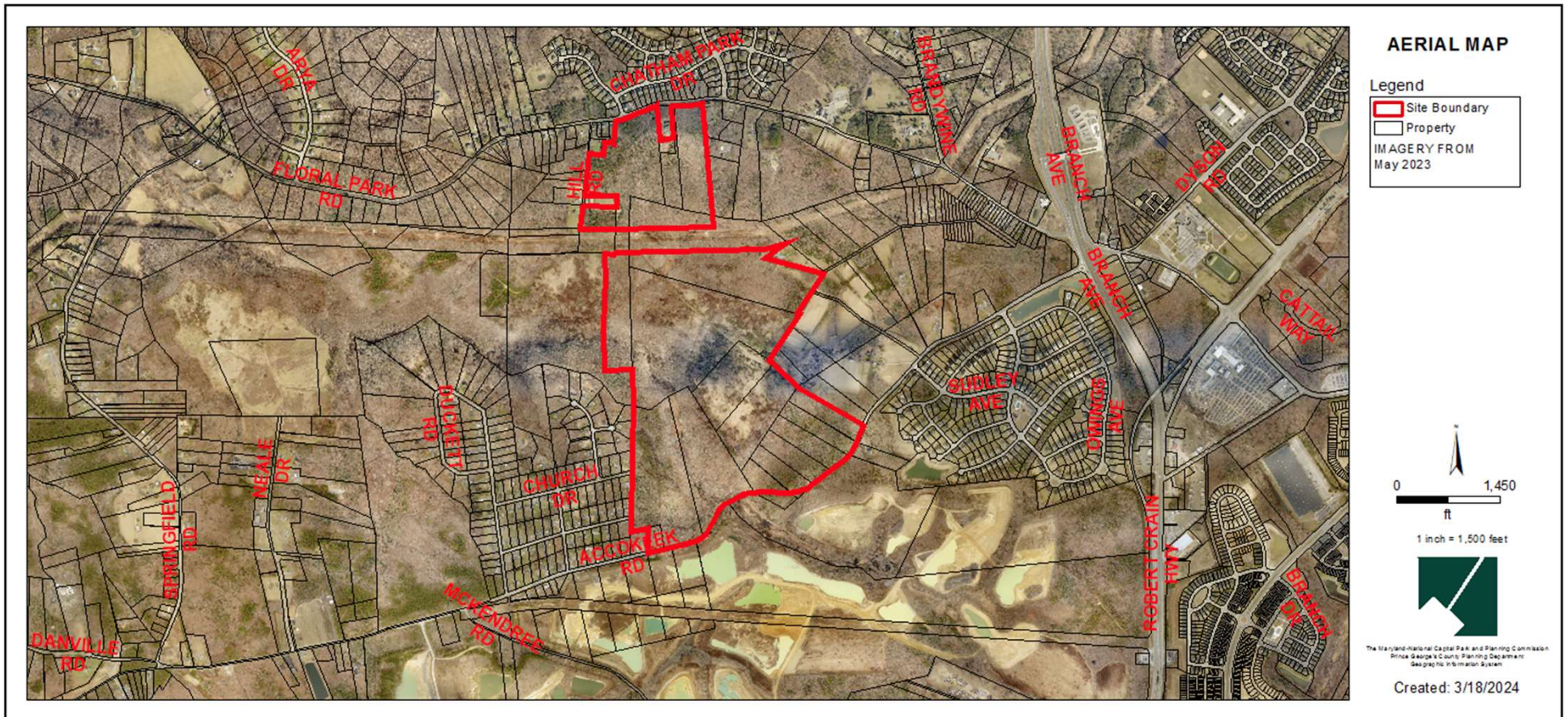
Current Property Zone: LCD



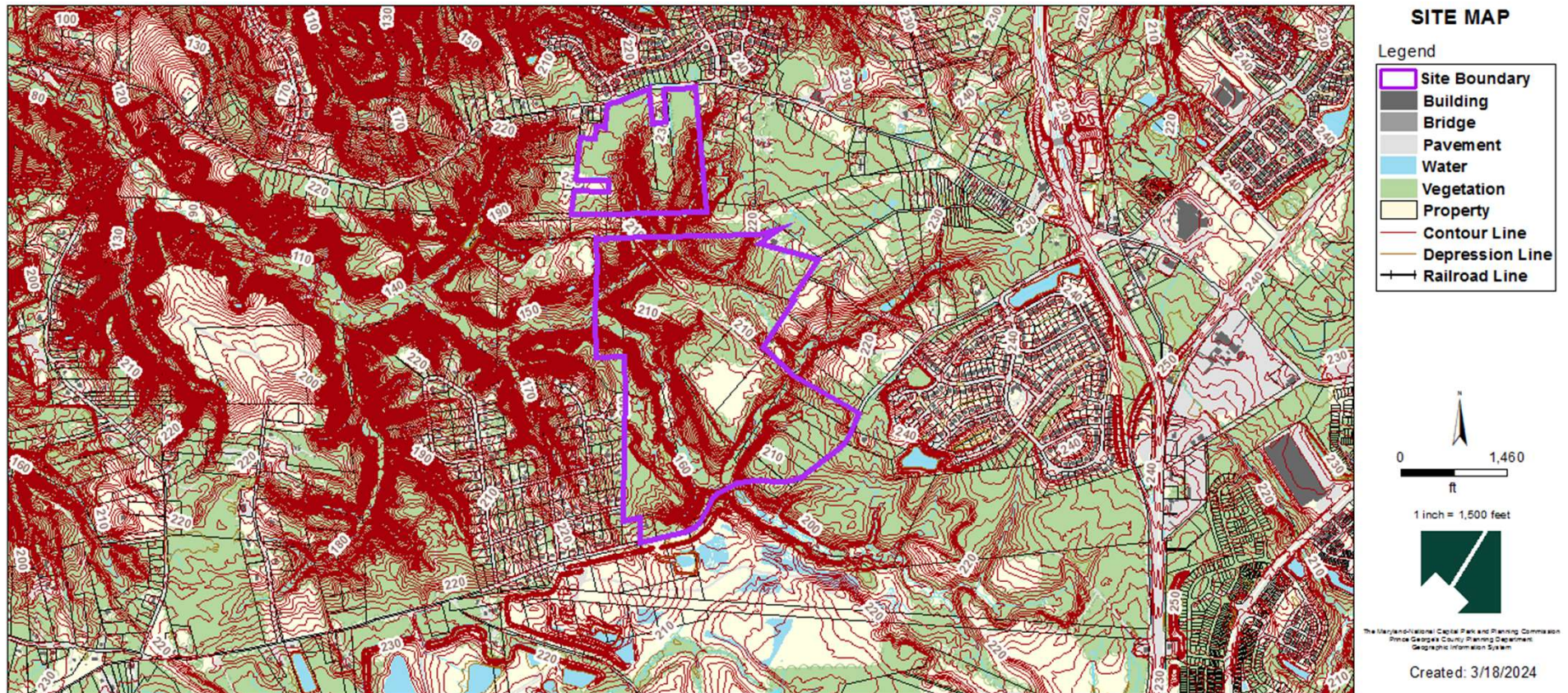
OVERLAY MAP (PRIOR AND CURRENT)



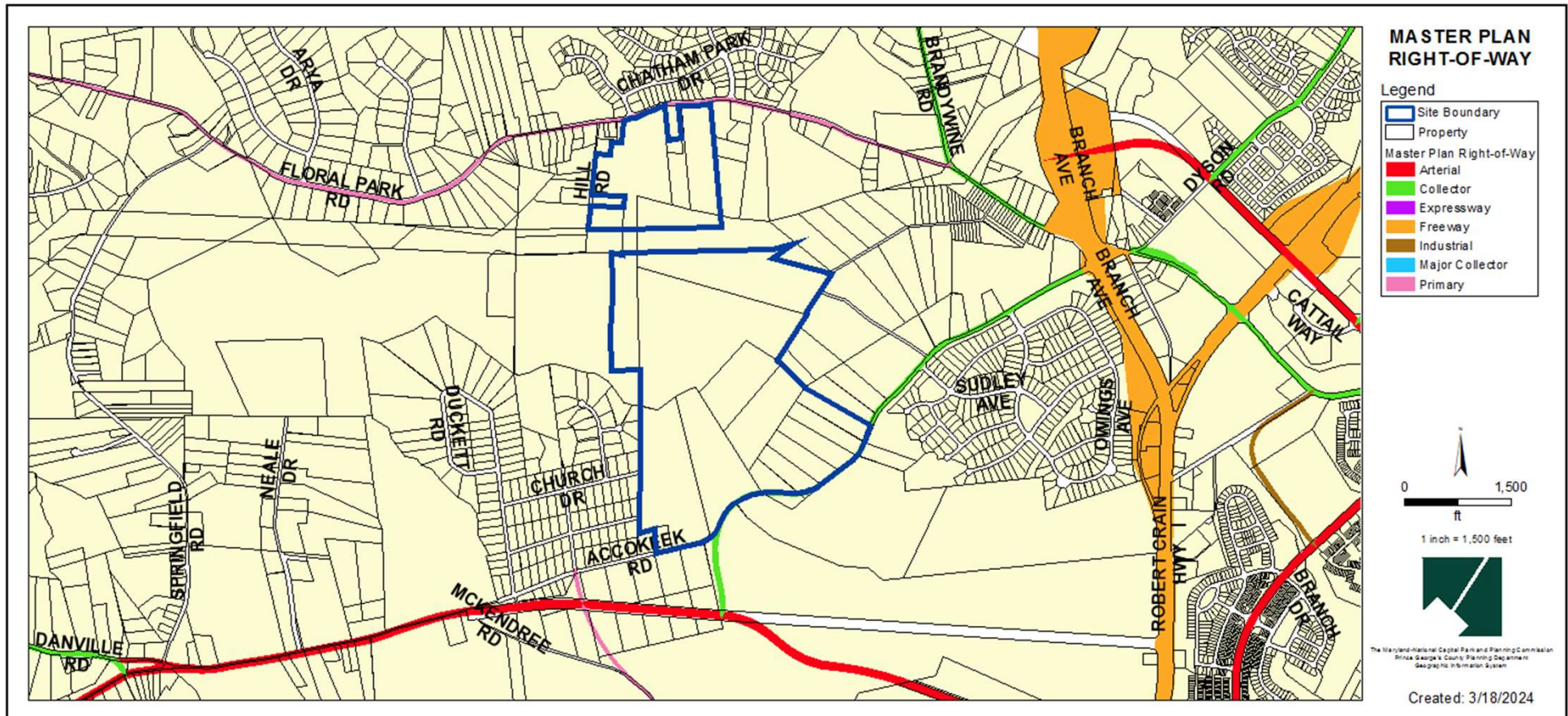
AERIAL MAP



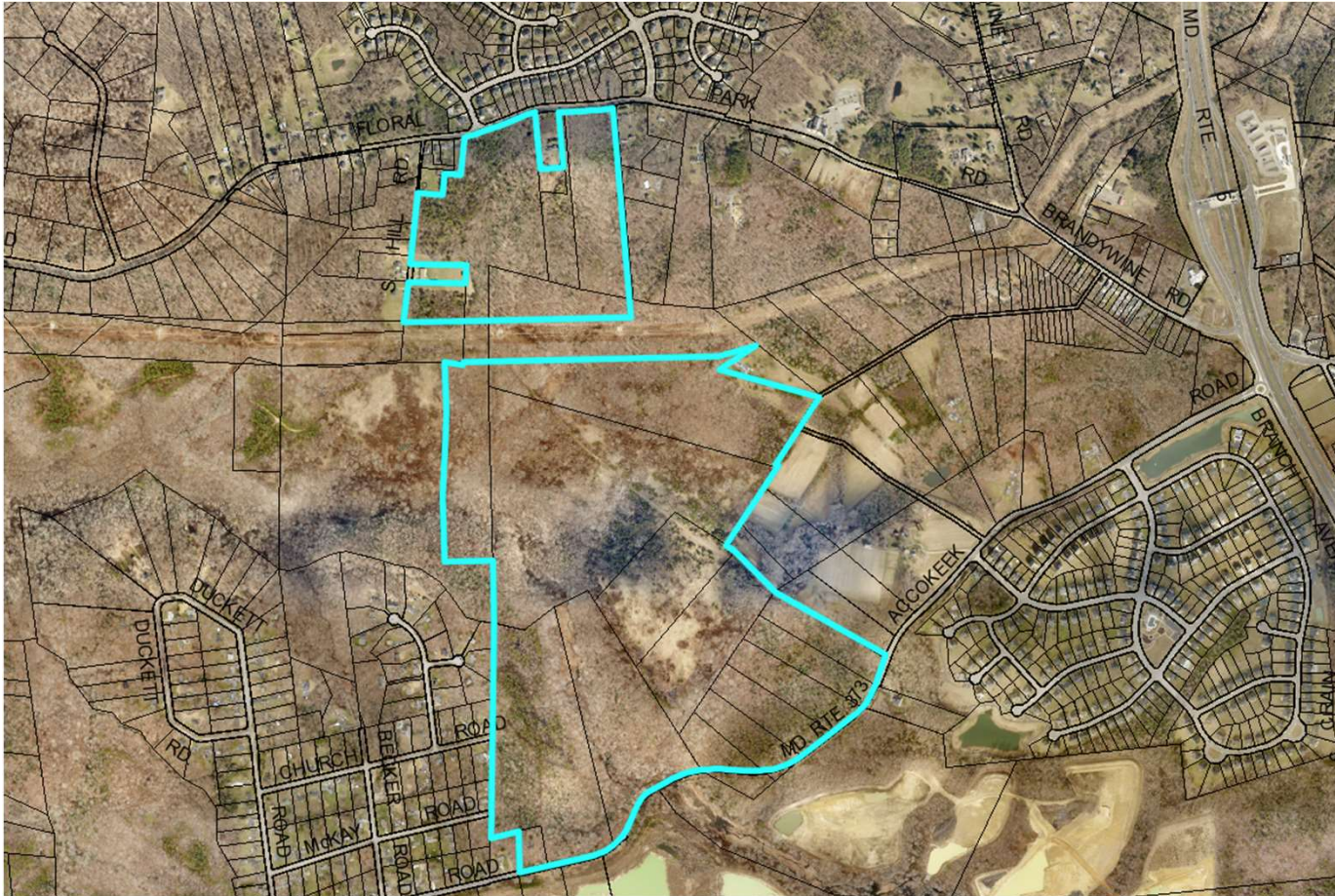
SITE MAP



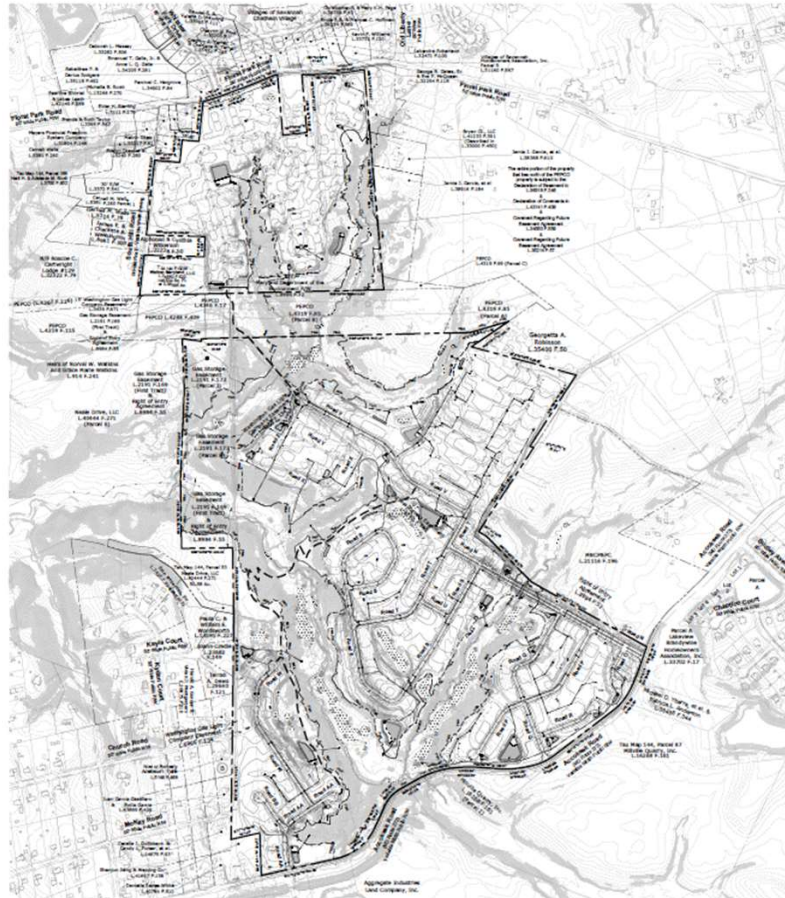
MASTER PLAN RIGHT-OF-WAY MAP



BIRD'S-EYE VIEW WITH APPROXIMATE SITE BOUNDARY OUTLINED



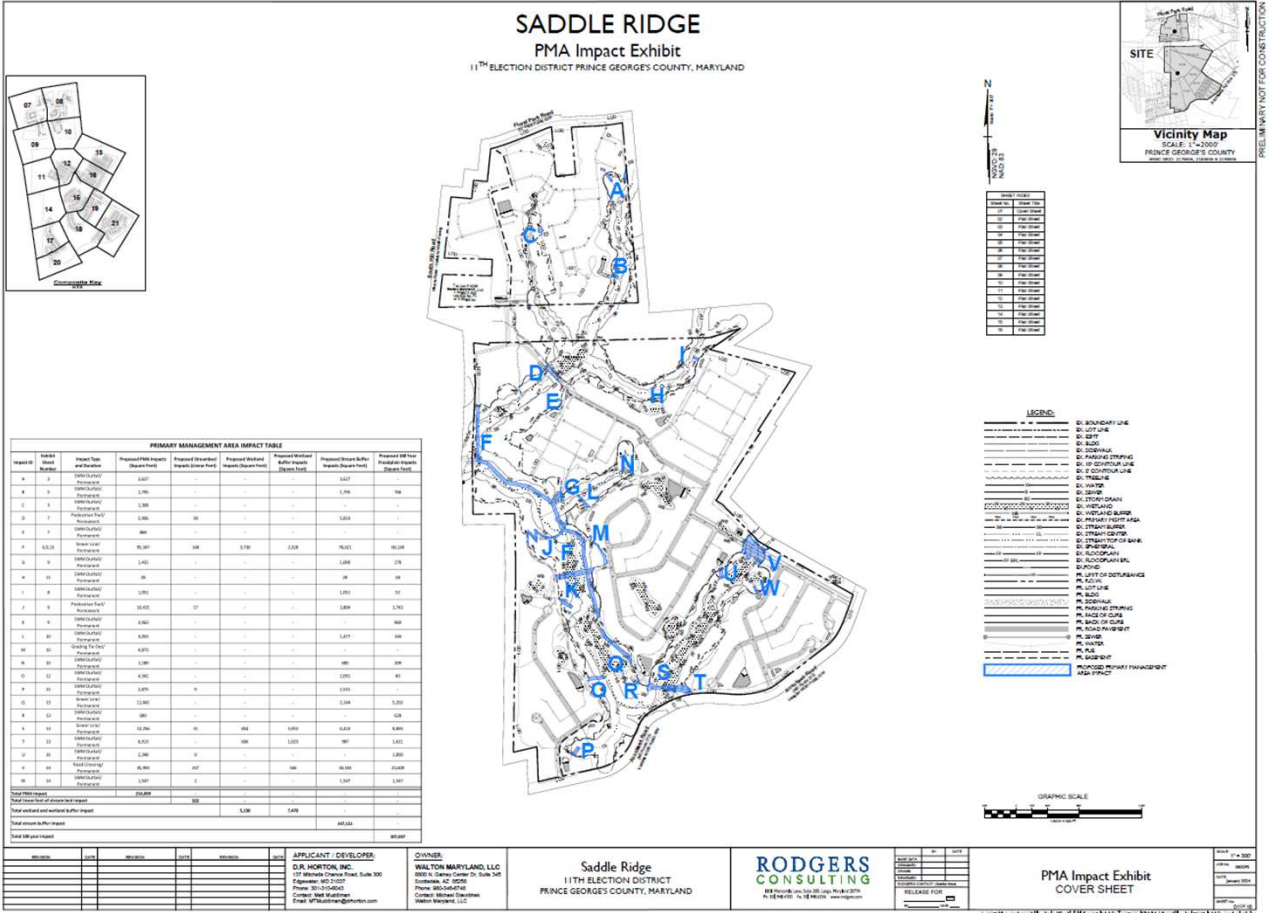
SPECIFIC DESIGN PLAN



TYPE II TREE CONSERVATION PLAN



PMA IMPACT EXHIBIT



STAFF RECOMMENDATION

APPROVAL with conditions

Major/Minor Issues:

- None

Applicant Required Mailings:

- Informational Mailing: 12/06/2023
- Acceptance Mailing: 02/07/2024

STATEMENT OF JUSTIFICATION

SADDLE RIDGE Specific Design Plan for Infrastructure SDP-2304

December 7, 2023
Revised January 22, 2024

Applicant/Developer

D.R. Horton
Point of Contact – Matt Muddiman
137 Mitchells Chance Road, Suite 300
Edgewater, MD 21037
(301) 310-6043

Property Owner

Walton Maryland, LLC
Point of Contact – Michael Slovotinek
8800 N. Gainey Center Dr., Suite 345
Scottsdale, AZ 85258

Attorney / Correspondent

McNamee Hosea, P.A.
Point of Contact – Matthew C. Tedesco, Esq.
6404 Ivy Lane, Suite 820
Greenbelt, Maryland 20770
(301) 441-2420

Civil Engineer / Planner

Rodgers Consulting Inc.
Point of Contact – Charlie Howe
1101 Mercantile Lane, Suite 280
Largo, Maryland 20774
(301) 948-4700

Traffic Engineer

Lenhart Traffic Consulting
Point of Contact – Mike Lenhart
645 Baltimore Annapolis Blvd
Severna Park, Maryland 21146
(410) 216-3333

Application Request:

The approval of a Specific Design Plan for Infrastructure, in accordance with the approved Comprehensive Design Plan CDP-22001 for subsequent residential development under the standards of the former R-S Zone.

I. INTRODUCTION

As depicted on approved Basic Plan A-10060, noted in Zoning Ordinance No. 9-2022, and as further described with Comprehensive Design Plan CDP-22001, Saddle Ridge, (hereinafter the “Property”) is located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5) / Brandywine Road / Accokeek Road intersection. The irregularly shaped 289.36± acre Property is characterized by rolling terrain, with steeper slopes associated with the Burch Branch, which runs generally north-south through the western portion of the Property. The Burch Branch and its system of associated tributaries are a notable feature of the area. A PEPCO transmission line bisects the northern section of the Property.

The Property is an assemblage of parcels and lots as demonstrated on the ALTA boundary exhibit associated with this application and detailed property information can be found in Appendix “A” attached hereto. A few single-family detached homes are located on the perimeter of the Property, including large parcels along Brandywine Road and Floral Park Road, and the Arthur Lusby Estates linear subdivision along South Springfield Road. The Pleasant Springs subdivision, consisting of three-quarter acre lots (with some larger lots) is on the north side of Accokeek Road just west of the subject Property.

Just south of the neighborhood, across Accokeek Road, is Lakeview at Brandywine, a community of single-family detached homes on half acre lots. Just north, across Floral Park Road, is the Village of Savannah-Chatham Village, another community of single-family detached homes on half acre lots.

The Property is in the LCD (Legacy Comprehensive Design) Zone as approved by the District Council on October 17, 2022, after its hearing on September 12, 2022. (*See* Zoning Ordinance No. 9-2022.)

Saddle Ridge was the subject of Zoning Map Amendment A-10060, which was recommended for approval by the Planning Board pursuant to PGCPB Resolution No. 2021-92, adopted on July 29, 2021. The Basic Plan associated with A-10060 requested that the Property be rezoned from the prior R-R and R-E Zones to the prior R-S (Residential Suburban) Comprehensive Design Zone. After the evidential hearing before the Zoning Hearing Examiner (“ZHE”) on October 27, 2021, the record was closed; however, on October 28, 2021, the Planning Board endorsed the County-Wide Sectional Map Amendment (“CMA”). As a result, and pursuant to Section 27-1905(c)(1) of the prior Zoning Ordinance, on November 8, 2021, the ZHE issued a notice advising that A-10060 was postponed until such time that the District Council takes final action on the CMA. On November 29, 2021, the County Council adopted CR-136-2021; thereby, approving the CMA, with an effective date of April 1, 2022.

The ZHE decision, released on May 3, 2022, recommended approval of the R-S Zone. On September 19, 2022, the District Council held oral argument on A-10060, and at the conclusion of the hearing, adopted a motion for preparation of an order of approval to rezone the Property to the LCD Zone since the A-10060 was allowed to proceed after the effectuation of the CMA, but was required to result in a zone set forth in the new Zoning Ordinance. The District Council’s Order of Approval (Zoning Ordinance No. 9-2022) was enacted on October 17, 2022. Subsequently, the ZHE certified the Basic Plan on November 22, 2022. Pursuant to Section 27-4205(c)(3) of the new Zoning Ordinance, the requirements of the prior R-S Zone now apply.

II. NATURE OF THE REQUEST

The applicant is seeking approval of this Specific Design Plan for Infrastructure, to allow the subject property to be developed, under subsequent applications, with single family detached and single family attached residential dwelling units, which will be consistent with prior approvals and further established with a subsequent full Specific Design Plan. The subject plan proposes infrastructure improvement designs for public streets, water, sewer, and stormdrain utilities, and stormwater management facilities, all of which will be essential to further development of the site as a residential community.

Comprehensive Design Plan CDP-22001 was previously approved for the Property by the Prince George's County Planning Board (PGCPB Resolution No. 2023-108), subject to nine conditions. All nine conditions are relevant to subsequent applications such as Preliminary Plan of Subdivision, a full Specific Design Plan, final plats, and building permits and will each be addressed at those appropriate stages.

The proposed development is in conformance with *Plan Prince George's 2035 Approved General Plan* ("Plan 2035") and the *2013 Approved Subregion 5 Master Plan and Sectional Map Amendment*, as discussed in depth in the approved CDP-22001 text and statement of justification document, particularly the *Land Use and Housing and Neighborhood Policies*.

This application is in the General Plan Growth Policy Established Communities area designated in Plan 2035. The vision for the Established Communities area is most appropriate for context-sensitive infill and low- to medium-density development (p. 20). Saddle Ridge is a high-quality suburban development, within the density range envisioned for Residential Low areas, with a network of open space, private recreational facilities and trails, in line with the overall goals of the Master Plan. The conceptual design demonstrates the attention to detail in advancing these goals (p. 35).

The portions of Brandywine not in the Village of Brandywine, are envisioned "as being primarily low density residential. Much of the future residential development would be in large master-planned subdivisions, particularly in the northern and western portions of the community, such as Saddle Ridge and the Estates at Pleasant Valley" (Master Plan at p. 42). Saddle Ridge, which is specifically identified in this Brandywine Area text, is prime for such large master-planned subdivisions as it is very close to the Brandywine Local Town Center just north of the Property on Crain Highway (US 301). Master Plan conformance was determined with the approval of the Basic Plan (A-10060). The Brandywine Local Town Center was later identified in Plan 2035 as an automobile dependent center. New homes in the area can catalyze the further development in the center.

III. GENERAL CRITERIA FOR SPECIFIC DESIGN PLAN APPROVAL

Sec. 27-527. - Contents of Plan.

- (c) An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered. The Planning Board may also consider the proposal in light of future requirements, such that the plan cannot propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of this Division, or any conditions of previous approvals, in the future. The Planning Board shall also consider any recommendations by the Department of Permitting, Inspections, and Enforcement and the Prince George's Soil Conservation District. Prior to approval, the Planning Board shall find that the Specific Design Plan is in conformance with an approved Type 2 Tree Conservation Plan and must also approve a Type 2 Tree Conservation Plan in conjunction with approval of the Specific Design Plan for Infrastructure.

COMMENT: The subject plan conforms to the requirements of this Section by establishing infrastructure improvement designs for a) public streets, b) water, sewer, and stormdrain utilities, and c) stormwater management facilities, all of which are essential to further development of the site in conformance with CDP-22001. The SDP-2304 infrastructure plans do not propose any improvements which would hinder the achievement of the purposes of the zone, the purposes of Subtitle 27 - Part 8 Comprehensive Design Zones - Division 4, or any conditions of previous approvals. The associated Stormwater Management Concept Plan (#24297-2023-00) is currently under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A Type 2 Tree Conservation Plan has been submitted in conjunction with this application and reflects all proposed infrastructure improvements and impacts.

Sec. 27-528. - Planning Board action.

- (a) Prior to approving a Specific Design Plan, the Planning Board shall find that:
- (1) The plan conforms to the approved Comprehensive Design Plan, the applicable standards of the Landscape Manual, and except as provided in Section 27-528(a)(1.1), for Specific Design Plans for which an application is filed after December 30, 1996, with the exception of the V-L and V-M Zones, the applicable design guidelines for townhouses set forth in Section 27-274(a)(1)(B) and (a)(11), and the applicable regulations for townhouses set forth in Section 27-433(d) and, as it applies to property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or Washington Metropolitan Area Transit Authority Metrorail station, the regulations set forth in Section 27-480(d) and (e);

COMMENT: The subject plan conforms to the requirements of the approved Comprehensive Design Plan CDP-22001. The 2010 Prince George's County Landscape Manual requirements will be addressed and will conform at time of full Specific Design Plan. This SDP proposes site development limited to infrastructure improvements of roadways, utilities, and stormwater management in the LCD Zone (formerly R-S Zone).

Section 27-274(a)(1)(B) and (a)(11) of the Zoning Ordinance require an applicant to provide justification for reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings. The design guidelines for townhouses in Section 27-274(a)(11), and the further regulations for townhouses set forth in Section 27-433(d), will be applicable at time of full Specific Design Plan, but are not required for this infrastructure application as no residential dwelling units or lots are established.

As the Subject Property is within the LCD Zone (formerly R-S Zone), the regulations set forth in Section 27-480(d) and (e) for property in the L-A-C Zone and within one-half (1/2) mile of an existing Washington Metropolitan Area Transit Authority Metrorail station are not applicable.

(1.1) For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies all requirements for the use in Section 27-508 of the Zoning Ordinance;

COMMENT: This Specific Design Plan does not contain property currently designated as, or proposing, a Regional Urban Community.

(2) The development will be adequately served within a reasonable period of time with existing or programmed public facilities either shown in the appropriate Capital Improvement Program, provided as part of the private development or, where authorized pursuant to Section 24-124(a)(8) of the County Subdivision Regulations, participation by the developer in a road club;

COMMENT: A Traffic Impact Analysis was conducted at the time of Comprehensive Design Plan CDP-22001. Roadway circulation internal to the site has been designed to provide easy movement throughout the community, with multiple access points from Floral Park Road and Accokeek Road. Pedestrian circulation will be provided with extensive sidewalks and trails, connecting residents to all of the development areas and the various site amenities.

At the time of Preliminary Plan of Subdivision, the site will be further tested for all adequate public facilities serving this development and will ensure adequate levels through conditioned traffic improvements and contributions to the Brandywine Road Club as appropriate. The residential dwelling units to be proposed with subsequent development applications will be served with adequate public facilities including water, sewer, schools, and fire and rescue services.

(3) Adequate provision has been made for draining surface water so that there are no adverse effects on either the subject property or adjacent properties;

COMMENT: A Stormwater Management Concept Plan (#24297-2023-00) is currently under review by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), and is submitted with this application for reference. Therefore, adequate provision has been made for draining surface water and ensuring that there are no adverse effects on the subject property or adjacent properties.

(4) The plan is in conformance with an approved Type 2 Tree Conservation Plan; and

COMMENT: A Type 1 Tree Conservation Plan (TCP1-012-2023) was approved with CDP-22001, and a Type 2 Tree Conservation Plan has been submitted with this SDP.

- (5) The plan demonstrates that the regulated environmental features are preserved and/or restored to the fullest extent possible in accordance with the requirement of Subtitle 24-130(b)(5).**

COMMENT: The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted with the subject application. The primary management area impacts shown on the SDP and TCP2 plans are consistent with those approved with TCP1-012-2023 in association with CDP-22001.

- (b) Prior to approving a Specific Design Plan for Infrastructure, the Planning Board shall find that the plan conforms to the approved Comprehensive Design Plan, prevents offsite property damage, and prevents environmental degradation to safeguard the public's health, safety, welfare, and economic well-being for grading, reforestation, woodland conservation, drainage, erosion, and pollution discharge.**

COMMENT: The infrastructure improvements proposed with SDP-2304 fully conform with the approved Comprehensive Design Plan CDP-22001 in form, function, and intended character. The proposed development will not be a burden on available public facilities as the infrastructure site work will be designs, reviewed, and permitted by the standard regulatory engineering documents for infrastructure such as stormwater, water and sewer, stormdrain, and roadways. Environmental systems will be preserved to the greatest extent practicable, with impacts delineated and reviewed with the associated TCP2. Health, safety, and welfare of the public will be maintained and monitored through established procedures with no burden on the existing systems.

Prior Conditions from Comprehensive Design Plan CDP-22001

As part of the approval for Comprehensive Design Plan CDP-22001 (PGCPB Resolution No. 2023-108), there were a total of nine conditions. Two of the conditions and a consideration are relevant to a subsequent application for a full Specific Design Plan, will be fully met at that time, and are included herein as reference.

Conditions of Approval (Full SDP)

3. At the time of specific design plan, the applicant shall submit a list of sustainable site and green building techniques that will be used in the development and will be included in the design guidelines.
8. The timing of construction of the master-planned trails shall be determined with the approval of the specific design plan.

Consideration (Full SDP)

1. At the time of specific design plan, the applicant shall evaluate an appropriate location(s) for a dog park and dog waste stations.

IV. CONCLUSION

The applicant has demonstrated, as provided herein and depicted on SDP-2304 filed in conjunction with this application, the proposed development conforms to all applicable development standards for an infrastructure application. Subsequent residential development applications under the standards of the former R-S Zone will follow SDP-2304 and be in accordance with the approved Comprehensive Design Plan CDP-22001. This application and the requests herein are consistent with Section 27-528(a) of the Zoning Ordinance and the conditions of approval for CDP-22001.

Based on the foregoing, the applicant requests approval of SDP-2304.

Respectfully submitted,

MCNAMEE HOSEA, P.A.

A handwritten signature in blue ink, appearing to read "Matthew C. Tedesco".

Matthew C. Tedesco, ESQ.
Attorney for the Applicant

RODGERS CONSULTING, INC.

A handwritten signature in blue ink, appearing to read "Matthew Leakan".

Matthew Leakan, AICP, PLA
Land Planner

APPENDIX A

Street Address	Tax Account No.	Parcel	Liber	Folio
6301 Floral Park Rd. Brandywine, MD, 20613	11-1182534	110	35214	42
6315 Floral Park Rd. Brandywine, MD, 20613	11-1140235	143	35214	42
6405 Floral Park Rd. Brandywine, MD, 20613	11-1174572	37	35214	42
6411 Floral Park Rd. Brandywine, MD, 20613	11-1189125	66	35214	42
6600 Accokeek Rd. Brandywine, MD 20613	11-1161199	157	35214	42
6500 Accokeek Rd. Brandywine, MD 20613	11-1189190	86	35214	42
6306 Accokeek Rd. Brandywine, MD 20613	11-1189182	188	35214	42
South Hill Road	11-5528410	236	34550	552

This application includes the following Lots in the Littleworth Subdivision (Plat Book SDH 3 Plat No. 86):

Note: There are no block designations for the Littleworth Subdivision.

Street Address	Tax Account No.	"Littleworth" Lots	Liber	Folio
6920 Accokeek Rd. Brandywine, MD 20613	11-1189091	p/o Lots 45, 46 & 47	35214	42
6910 Accokeek Rd. Brandywine, MD 20613	11-1137017	p/o Lots 45, 46 & 47	35214	42
6940 Accokeek Rd. Brandywine, MD 20613	11-1137025	Lot 61 & p/o Lots 62-66	35214	42
6900 Accokeek Rd. Brandywine, MD 20613	11-1189109	p/o Lots 62-66	35214	42
6980 Accokeek Rd. Brandywine, MD 20613	11-1189141	p/o Lot 44	35214	42
13535 Brandywine Rd. Brandywine, MD 20613	11-1189323	p/o Lot 44	35214	42



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council
301-952-3600



October 19, 2022

RE: A-10060 Saddle Ridge
D.R. Horton, Inc./ Saddle Ridge, Applicant

NOTICE OF FINAL DECISION OF THE DISTRICT COUNCIL

Pursuant to the provisions of Section 27-134 of the Zoning Ordinance of Prince George's County, Maryland requiring notice of decision of the District Council, you will find enclosed a copy of Zoning Ordinance No. 9 - 2022 setting forth the action taken by the District Council in this case on October 17, 2022.

CERTIFICATE OF SERVICE

This is to certify that on October 19, 2022 this notice and attached Council order were mailed, postage prepaid, to all persons of record.

A handwritten signature in black ink that reads "Donna J. Brown".

Donna J. Brown
Clerk of the Council

Wayne K. Curry Administration Building
11301 McCormick Drive Largo, MD 20774

Case No.: A-10060
Saddle Ridge

Applicant: D.R. Horton, Inc./Saddle Ridge

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 9-2022

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by an individual Zoning Map Amendment.

WHEREAS, Zoning Map Amendment Application No. 10060 ("A-10060 or Application") is a request to rezone approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone. The subject property is located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5)/Brandywine Road/Accokeek Road intersection; and

WHEREAS, the application was advertised and the property was posted prior to public hearings, in accordance with all requirements of law; and

WHEREAS, the application was reviewed by the Planning Department's Technical Staff; and

WHEREAS, on June 3, 2021, Technical Staff recommended that the Application be approved without conditions; and

WHEREAS, on July 8, 2021, the Planning Board made the same recommendation and on July 29, 2021, adopted Resolution PGCPB No. 2021-92; and

WHEREAS, on October 27, 2021, the Zoning Hearing Examiner ("Examiner") held an evidentiary hearing on the application; and

WHEREAS, Mr. Mark Calhoun resides near the subject property and appeared in order to learn more about the Application and he was listed in opposition to this request; and

WHEREAS, shortly after the close of the hearing the Application was tolled pending final District Council action on the Countywide Map Amendment (“CMA”); and

WHEREAS, on November 29, 2021, the District Council adopted CR-136-2021, thereby approving the CMA, with an effective date of April 1, 2022; and

WHEREAS, on December 20, 2021, pursuant to Section 27-1905(c)(2) of the prior Zoning Ordinance (2019 Edition), Applicant submitted a written request that the consideration of its Application proceed as amended to request a rezoning to the Legacy Comprehensive Design (“LCD”) Zone, and revised its Basic Plan accordingly; and

WHEREAS, on January 20, 2022, the Technical Staff submitted a memorandum noting that its recommendation of approval would not change if the property were rezoned to the LCD Zone, and the record was closed at that time; and

WHEREAS, on May 3, 2022, the Examiner recommended that the application request to rezone approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) Zone, be approved; and

WHEREAS, on June 2, 2022, Mr. Mark Calhoun (“Opponent” or “Opposition”) filed an appeal in opposition of the Zoning Hearing Examiner’s Decision; and

WHEREAS, on September 9, 2022, Applicant filed a response to the June 2, 2022 Exceptions and Request for Oral Argument filed by Opponent; and

WHEREAS, a hearing was held before the District Council on September 19, 2022; and

WHEREAS, having carefully considered the issues raised by the opposition at oral argument on September 19, 2022, the District Council adopts, and incorporates by reference, the Examiner’s

findings and conclusions on each issue raised by the opposition, except as otherwise indicated herein; and

WHEREAS, the District Council makes the following additional findings and conclusions:

- I. A-10060 does not include any land owned by Opponent and does not reduce the size of Opponent's land.

Opponent asserts that A-10060 seeks to "take some of [his] property as [its] own." Specifically, Opponent contends that his property is 1.99 acres, and that in some way A-10060 now reduces Opponent's property to 1.60 acres. Opponent asked the District Council to "resolve this issue." Although Opponent raises no issue regarding the required findings that the District Council must make in approving the application, in response to the sole issue raised, the District Council finds that this issue is moot since the size of Opponent's property is not reduced by the application.

The District Council finds that Opponent's property is and remains 1.99 acres, as alleged, and A-10060 has no impact, whatsoever, on the total acreage of Opponent's property. In response to the issue raised, and to resolve the same, the District Council takes note that on June 7, 2022, five (5) days after Opposition filed his exceptions, Applicant's counsel responded to Opponent to affirmatively advise that the limits of Opponent's property are not changing with A-10060. (Applicant's Apx. A).¹ Further, Rodgers Consulting, the civil engineer of record for A-10060, conducted an ALTA survey of the subject property where existing monuments of all four corners of Opposition's property (6401 Floral Park Road; Parcel 141) were field located. (See Ex. 15). To memorialize the same, Applicant provided Opponent with a copy of the survey of his property, which memorialized that Opponent's property totaled 1.99 acres, as alleged by Opponent.

¹ In addition to the June 7, 2022, correspondence, Applicant followed up with Opponent on June 22, 2022, July 24, 2022 (Applicant's Apx. D), July 18, 2022, and July 21, 2022 regarding the acreage issue. (See Applicant's Apx. A).

(Applicant's Apx. B). Based on the located corners for the subject property, the acreage of Opponent's property is and will remain 1.99 acres notwithstanding the proposed rezoning of the subject property. Thus, the sole issue raised by Opponent is moot.

A. A-10060 seeks to rezone approximately 289.36 acres, which excludes lands owned by Opponent.

During the Examiner's hearing on October 27, 2021, Opponent cross-examined Applicant's expert land planner, Mr. Joe Del Balzo, and questioned whether A-10060 will "change" Opponent's property "or would this [(i.e., A-10060)] just be for the 289 acres that you guys [i.e., Applicant] have?" Below is an excerpt of that exchange:

MR. CALHOUN: Because whether my property will be specifically changed or my zoning practice, or would this just be for the 289 acres that you guys have?

MR. DEL BALZO: So no, your property would not be rezoned through this. It would just be for the 289 acres. And all of the development activity would be on that property, not on yours.

(Tr. at p. 93, Lines 12 – 18). Further, Mr. Del Balzo testified that, "[n]o [Opponent's] property is not part of the rezoning application and would not be rezoned." (*Id.* at p. 94, Lines 2 – 4). Opposition concluded by indicating that "if anything else comes up, I will try to contact with these people or make my request. But right now, there's nothing else." (*Id.* at Lines 23-25).

Again, the District Council finds that the issue raised by Opponent is moot – the size of Opponent's property is, and will remain, 1.99 acres notwithstanding the approval of A-10060. Moreover, and more importantly, Opponent raised no issues regarding the Examiner's findings or legal conclusions that the application failed to satisfy the legal requirement for approval.

Further, the Examiner's decision indicated approval of the R-S Zone and not the LCD Zone. On this issue, the District Council adopts, and incorporates by reference, the People's Zoning Counsel's analysis regarding the application and approval of the LCD Zone. In opining that the

LCD Zone may not be imposed, the Examiner relies on Sections 27-3601(b)(2) and 27-4205(a); however, those sections of the new Zoning Ordinance are not applicable to A-10060. That is, Section 27-3601 deals with a zoning map amendment (“ZMA”) filed pursuant to the new Zoning Ordinance, and not the prior Zoning Ordinance. A-10060 is not a ZMA filed pursuant to Section 27-3601; instead, it is a ZMA filed pursuant to Section 27-195 of the prior Zoning Ordinance.

A-10060 was accepted for review on April 7, 2021, a year prior to the effectuation of the new Zoning Ordinance. The publication of the Technical Staff Report (June 3, 2021); the Planning Board hearing (July 8, 2021); the adoption of the Planning Board’s resolution (July 29, 2021); and the Examiner’s hearing (October 27, 2021) not only all occurred prior to the adoption of the CMA (November 29, 2021), but also occurred prior to the effectuation of the new Zoning Ordinance (April 1, 2022). Moreover, Section 27-1703(a) specifically provides:

Any development application, including a permit application or an application for zoning classification, that is filed and accepted prior to the effective date of this Ordinance may be reviewed and decided in accordance with the Zoning Ordinance and Subdivision Regulations in existence at the time of the acceptance of said application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance.

Thus, the District Council agrees with the People’s Zoning Counsel, Technical Staff, and Applicant that A-10060 must be reviewed and decided in accordance with Section 27-195 of the prior Zoning Ordinance (which it is). Further, since the decision of A-10060 is now occurring after April 1, 2022 (the effective date of the new Zoning Ordinance), it must result in a zone set forth within the new Zoning Ordinance pursuant to Section 27-1703(a). Based on this and given the inapplicability of Section 27-3601 (of the new Zoning Ordinance), the Examiner’s conclusion that that section prohibits the ability to impose the LCD Zone for this ZMA application is incorrect.

The Transitional Provisions of Section 27-1703(a) contained in the new Zoning Ordinance contemplated this very scenario and made accommodations for the same when it unambiguously provided that a pending ZMA may continue to be reviewed and approved under the prior Zoning Ordinance (in this case Section 27-195), but that the decision to approve the pending ZMA after the effectuation date of the new Zoning Ordinance (April 1, 2022) must result in a zone set forth in the new Zoning Ordinance.

With the endorsement of the CMA by the Planning Board on October 28, 2021, and the adoption of the CMA by the District Council on November 29, 2021, Applicant, in conformance with Part 19 of the prior Zoning Ordinance, was required to elect to move forward with A-10060 and elect a new replacement zone based on the new Zoning Ordinance, which it did on December 20, 2021. (Ex. 46, with attachments). This not only ensured compliance with Section 27-1905(c)(2) of the prior Zoning Ordinance (which was still applicable until April 1, 2022), but also ensured future conformance with Section 27-1703(a) (which is now applicable).

On January 20, 2022, James Hunt, Planning Division Chief of the Development Review Division, of M-NCPPC, confirmed, in response to Applicant's December 20, 2021 letter (Ex. 46) and at the request of the Examiner (Ex. 47), that "Technical Staff finds that a new technical staff report is unnecessary as the requested [replacement] from the originally requested R-S Zone to the new LCD Zone has no impact on staff's recommendation in any manner." (Ex. 49).

Consequently, the Examiner's decision to approve the R-S Zone, as the required findings of Section 27-195 have been satisfied and are supported by substantial evidence, results in the affirmative ability for the District Council to approve A-10060 and, pursuant to Section 27-1703(a), impose the LCD Zone as the appropriate replacement zone for the R-S Zone; and

WHEREAS, the Applicant's request to rezone approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the LCD (Legacy Comprehensive Design) Zone is hereby APPROVED subject to the following Development Data and all other information shown on the Basic Plan submitted.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended to rezone approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the LCD (Legacy Comprehensive Design) Zone, located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5)/Brandywine Road/Accokeek Road intersection.

SECTION 2. The request to rezone approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the LCD (Legacy Comprehensive Design) Zone, is hereby APPROVED, subject to the following Development Data and all other information shown on the Basic Plan submitted (Ex. 48):

Development Data Table

Gross Tract Area	289.36ac.
Mattawoman Floodplain	32.75.ac.
½ Floodplain	16.38ac.
Net Tract Area*	272.98ac.
*Net Tract Area- Gross Tract Area-1/2 Floodplain	
Base Density	272.98ac@2.7 DU/ac. 737 Units
Max. Density	272.98@3.5 DU/ac. 955 units

Parcel Identification Table

Tax Map	Grid	Parcel	Parcel ID	Street Address (Brandywine, MD 20613)	Liber	Folio
144	C2	110	11-1182534	6301 Floral Park Road	35214	42
144	C2	143*	11-1140235	6315 Floral Park Road	35214	42
144	C2	37*	11-1174572	6405 Floral Park Road	35214	42
144	C2	66	11-1189125	6411 Floral Park Road	35214	42
144	C4	157	11-1161199	6600 Accokeek Road	35214	42
144	C4	86	11-1189190	6500 Accokeek Road	35214	42
144	C4	188	11-1189182	6306 Accokeek Road	35214	42
144	B3	236*	11-5528410	South Hill Road	34550	522

*Parcels have been added since previous application.

This application includes the following Lots in the “Littleworth” Subdivision (Plat Book SDH 3 Plat No. 86):

Note: There are no block designations for the Littleworth Subdivision.

Tax Map	Grid	“Littleworth” Lots	Parcel ID	Street Address (Brandywine, MD 20613)	Liber	Folio
144	D3	p/o Lots 45, 46 & 47	11-1189091	6920 Accokeek Road	35214	42
144	D3	p/o Lots 45, 46 & 47	11-1137017	6910 Accokeek Road	35214	42
144	D4	Lot 61 & p/o Lots 62-66	11-1137025	6940 Accokeek Road	35214	42
144	D4	p/o Lots 62-66	11-1189109	6900 Accokeek Road	35214	42
144	D2	p/o Lot 44	11-1189141	6980 Accokeek Road	35214	42
144	D2	p/o Lots 43 & 44	11-1189323	13535 Brandywine Road	35214	42

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall become effective on the date of its enactment.

ENACTED this 17th day of October, 2022, by the following vote:

In Favor: Council Members Franklin, Harrison, Hawkins, Medlock, Streeter, Turner and Taveras.

Opposed: Council Members Burroughs, Dernoga and Ivey.

Abstained: Council Member Glaros.

Absent:

Vote: 7-3-1.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF THE
MARYLAND-WASHINGTON REGIONAL
DISTRICT IN PRINCE GEORGE'S COUNTY,
MARYLAND

By: 

Calvin S. Hawkins, II, Chair

ATTEST:



Donna J. Brown
Clerk of the Council

August 3, 2021

D.R. Horton
181 Harry S. Truman Parkway, Suite 250
Annapolis, MD 21401

Re: Notification of Planning Board Action on
Zoning Map Amendment A-10060
Saddle Ridge

Dear Applicant:

This is to advise you that, on **July 29, 2021**, the above-referenced application was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

In accordance with Section 27-239 of the Zoning Ordinance, the Planning Board's decision will become final 30 days after the date of this letter, unless an appeal is filed prior to this date with the Circuit Court for Prince George's County by any person of record. Please direct questions regarding this matter to Mr. Sydney J. Harrison, Clerk of the Circuit Court, at 301-952-3318.

(You should be aware that you will have to reactivate any permits pending the outcome of this case. If the approved plans differ from the ones originally submitted with your permit, you are required to amend the permit by submitting copies of the approved plans. For information regarding reactivating permits, you should call the County's Permit Office at 301-636-2050.)

Sincerely,
James R. Hunt, Chief
Development Review Division

By: Thomas Sievers
Reviewer

Digitally signed by Thomas
Sievers
Date: 2021.07.30 12:58:41 -04'00'

Attachment: PGCPB Resolution No. **2021-92**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
www.pgplanning.org

PGCPB No. 2021-92

File No. A-10060

RESOLUTION

WHEREAS, the Prince George's County Planning Board has reviewed Zoning Map Amendment Application No. A-10060, Saddle Ridge, requesting approval in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on July 8, 2021, the Prince George's County Planning Board finds:

- 1. Location and Site Description:** The subject property is 289.10 acres, found on Tax Map 144 in Grids C-1, C-2, C-3, C-4, D-2, and D-3 in the southern portion of Prince George's County. The property is located south of Floral Park Drive and approximately 6,500 feet west of the intersection of Branch Avenue and Brandywine Road. A Potomac Electric Power Company (PEPCO) right-of-way bisects the site. The proposed access to the property is provided from two points on Floral Park Road and two points on Accokeek Road.
- 2. History:** The subject property is a combination of record lots and acreage parcels. The record lots included in the subject property are Partial Lots 43–44, Lots 45–47, and Partial Lots 61–66 of the Littlewood Subdivision, recorded in Plat Book SDH 3 at page 86, dated May 13, 1930. The acreage parcels included in the subject property are Tax Parcels 37, 66, 110, 143, and 236, recorded among the Prince George's County Land Records in Liber 43180 at folio 565 and Tax Parcels 86 and 157, recorded among the aforementioned Land Records in Liber 37115 at folio 531. Tax Parcels 37, 143, and 236 are not subject to a previously approved preliminary plan of subdivision (PPS). Partial Lots 43–44, Lots 45–47, and Partial Lots 61–66 of the Littlewood Subdivision, and Tax Parcels 86, 110, 157, and 166 are subject to a Sketch Plan (S-07002) and PPS 4-07076 for the Estates at Pleasant Valley. PPS 4-07076 was approved by the Prince George's County Planning Board (PGCPB Resolution No. 08-64(A)) as a conservation subdivision on March 22, 2012, for 258 single-family detached residences, subject to 31 conditions of approval. S-07002 expired on November 7, 2009, and PPS 4-07076 is valid until December 31, 2021. The subject property was retained in the Residential-Estate (R-E), and Rural Residential (R-R) Zones in the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA). Portions of the property have been used for surface mining operations permitted by special exception and listed below. The property has been cleared of the mining operation and the majority of the site remains wooded.

In 1966, the Prince George's County District Council approved Special Exception SE-1299, which approved a sand and gravel mine on a larger tract of land that included the subject property.

In 1967, the District Council approved SE-1589, SE-1590, and SE-1593, which was requested by the Washington Gas Light Company on three separate parcel areas for a well for gas storage field operations. No conditions were required for these special exceptions. Further information can be found in Zoning Resolutions 444-1967, 445-1967, and 450-1967.

In 1976 and 1992, the District Council approved SE-2903 and SE-4043; the applications were requested by Lone Star Industries on several parcels for sand and gravel mining operations. No conditions were required for these special exceptions.

3. **Neighborhood:** Significant natural features or major roads usually define neighborhoods. The following roadways/natural features define the boundary of this neighborhood:

North— Floral Park Road;

South— Accokeek Road;

East— MD 381 (Brandywine Road), a local scenic and historic road; and

West— South Springfield Road.

Surrounding Uses and Roadways: The following uses and roadways immediately surround the site:

North— Single-family detached dwellings in the R-R Zone.

East— Single-family detached dwellings in the R-E Zone and vacant land in the R-R Zone.

South— Surface mining; sand and gravel wet-processing, vacant land, and a single-family detached dwelling in the R-R Zone.

West— Single-family detached dwellings and vacant land in the R-E Zone.

4. **Request:** The application seeks the rezoning of the site from the R-E and R-R Zones to the Residential Suburban Development (R-S) Zone, to permit a residential development with up to 955 single-family attached and detached dwellings.
5. **General and Master Plan Recommendations:** Pursuant to Section 27-195(b)(1)(A) Criteria for Approval, of the Prince George's County Zoning Ordinance, the proposed basic plan amendment is in conformance with the Subregion 5 Master Plan and SMA and with the vision of *Plan Prince George's 2035 Approved General Plan* (Plan 2035) Established Communities Growth Policy Area.

LAND USE

2014 Plan Prince George's 2035 Approved General Plan

Plan 2035 places the subject property in the Established Communities Growth Policy Area. Established Communities are most appropriate for context-sensitive infill and low- to

medium-density development (page 20; also refer to Map 1, Prince George's County Growth Policy Map, page 18).

There are three locations in the lower portion of the subject property, as depicted in the graphic that was included in the technical staff report, that are not currently part of the Future Water and Sewer Service Area. Plan 2035 recommends placing properties that are located within the growth boundary, but which have not been approved for a water and sewer category change (which would allow for denser development) in future water and sewer service areas. The future water and sewer service areas are holding zones in which near-term development is deferred until additional residential capacity is required (page 20). In other words, denser development is not able to occur in those areas not covered by the future water and sewer service areas. The three areas are unlikely to be densely developed, as they are located on the fringes of the property in wooded areas or areas that are otherwise unfavorable for development. The majority of the site is within the sewer envelope for planned or existing sewer service. The portions of the property not within the future water and sewer service area are not detrimental to the approval of this application. Additional details concerning water and sewer categories may be found below in Part 7 (response to Section 27-195(b)(1)(D)) of this technical staff report.

2013 Approved Subregion 5 Master Plan

The Subregion 5 Master Plan and SMA recommends the future land use of residential low on the subject property.

Residential Low

According to the master plan, property classified as residential low "is intended for single-family detached residential development that may have up to 3.5 dwelling units per acre."

Master Plan Conformance Issues

Pursuant to Section 27-195(b)(1)(A), the proposed basic plan does conform to the recommended residential low future land use in the Subregion 5 Master Plan and SMA. However, the proposed basic plan does not conform with all of the text which states "residential low" areas are designated for single-family detached suburban residential development (page 33).

The applicant has made clear in the statement of justification (SOJ) that the applicant envisions "a residential low-density development of townhouses and single-family homes."

The townhouses envisioned are not consistent with the intent of the master plan. The applicant proposed a "high-quality suburban development, below the maximum density envisioned for Residential Low areas."

The applicant has tied the vision for the subject property to the vision for the Brandywine Community Center. The Brandywine Community Center is a medium-density development intended for mixed-use. The subject property is neither in, nor adjacent to, the Brandywine Community Center and should not derive proposed densities from the Brandywine Community Center.

2017 Countywide Green Infrastructure Plan

According to the 2017 *Countywide Green Infrastructure Plan* of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (Green Infrastructure Plan), the entire site is within the evaluation and regulated areas designations. Evaluation areas contain environmentally sensitive features, such as interior forests, colonial waterbird nesting sites, and unique habitats, that are not regulated (i.e., not protected) during the land development process. Regulated areas, however, contain environmentally sensitive features, such as streams, wetlands, 100-year floodplains, severe slopes, and their associated buffers, that are regulated (i.e., protected) during the land development process. The referral from the Environmental Planning Section (Schneider to Sievers, dated May 24, 2021), which is incorporated herein, outlines policies that support the stated measurable objectives of the Green Infrastructure Plan.

6. **Environmental Review:** This finding is provided to describe the existing site features on the property and the impact of the requested rezoning as it pertains to environmental conformance.

Existing Conditions/Natural Resources Inventory

A natural resources inventory (NRI) is not required as part of a zoning amendment application; however, an approved NRI covering a portion of the site, but showing the entire land area included in the application was provided. Previously, NRI-0150-06 was approved in March 2007. This NRI has since expired and now a new NRI is required with any new development applications to include the additional property proposed with the zoning map amendment. A review of the NRI plan showed regulated environmental features and 118 specimen trees. No further information is needed at this time.

Grandfathering

The project is subject to the environmental regulations contained in Subtitles 24, 25, and 27 of the Prince George's County Code that came into effect on September 1, 2010 and February 1, 2012 because the development proposal will be required to file a PPS application to reflect the development proposed with the basic plan.

The entire site is within the Environmental Strategy Area 2 (formerly the Developing Tier) as designated by Plan 2035. The property is within the Subregion 5 Master Plan and SMA.

The site fronts on Floral Park Road and Accokeek Road, which are designated as scenic and historic roads. The 2009 *Master Plan of Transportation* (MPOT) designates Floral Park as a primary roadway, and a portion of Accokeek Road as a collector.

Plan Principles and Guidelines

GENERAL PLAN

Plan Prince George's 2035 Approved General Plan

Plan 2035 located the entire application area within the Established Community's growth policy areas, residential low future land use, future water and service area policy area, and the Environmental Strategy Area (ESA) 2.

The Zoning Ordinance provides guidance regarding the impact and relationship of general plans with master plans and functional master plans. Specifically, Section 27-640(a) of the Zoning Ordinance states the following regarding the approval of a general plan, and its effect on a previously approved master plan:

Section 27-640. Relationship between Master, General, and Functional Plans.

- (a) **When Functional Master Plans (and amendments thereof) and General Plan amendments are approved after the adoption and approval of Area Master Plans, the Area Master Plans shall be amended only to the extent specified by the District Council in the resolution of approval. Any Area Master Plan or Functional Master Plan (or amendment) shall be an amendment of the General Plan unless otherwise stated by the District Council.**

MASTER PLAN

The Subregion 5 Master Plan and SMA approved by the District Council is the current master plan for this area. The master plan identifies the on-site Burch Branch as a secondary corridor to Piscataway Creek (a primary corridor). This master plan included environmentally related policies and their respective strategies in the Environmental Infrastructure section.

Summary of Subregion 5 Master Plan Conformance

The proposed application to rezone 289.36-acres in the R-E and R-R Zones to the R-S Zone does meet the intent of the Environmental Infrastructure section within the Subregion 5 Master Plan because the approval would only result in slightly lower woodland conservation threshold (WCT). The existing WCT goes from 25 percent in the R-E Zone and 20 percent in the R-R Zone to a proposed 20 percent for the entire property in the proposed R-S Zone. This difference is minimal and will allow similar overall woodland clearing. The basic plan shows woodland preservation within the riparian buffer areas and areas adjacent to the riparian buffers, in accordance with established preservation priorities. One stream road crossing and four development pods are shown on the plans, as submitted. The applicant shall provide the minimum WCT on-site to the fullest extent practicable.

Green Infrastructure Plan

The entire site is mapped within the green infrastructure network, as delineated in accordance with the Green Infrastructure Plan. The mapped green infrastructure network on this site contains

regulated and evaluation areas. The regulated areas are mapped in association with Burch Branch stream and its tributaries, and the evaluation area is associated with the woodlands adjacent to the stream valleys, which provide wildlife connections between the streams.

Summary of Master Plan Conformance

The basic plan is in conformance with Plan 2035, the Subregion 5 Master Plan and SMA, and the Green Infrastructure Plan, and reflects the intent of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). The proposed zoning change will have a minimal effect on the overall WCT, and the applicant has shown on the basic plan the proposed preservation of wooded regulated environmental features and the reduction of stream impacts. The WCT shall be met on-site.

Environmental Considerations

Woodland Conservation

This property is subject to the provisions of the WCO because the property is greater than 40,000 square feet in size and contains more than 10,000 square feet of existing woodland.

The requested change in use will result in a minimal change to the WCT, which is currently 25 percent in the R-E Zone and 20 percent in the R-R Zone. The proposed zoning change to the R-S Zone would reduce the WCT to 20 percent.

All future development review applications are subject to the WCO and are not grandfathered for woodland conservation regulations. A tree conservation plan, in accordance with the current regulations, is required with future applications.

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 and 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."

With the NRI review, all on-site specimen trees will be identified, and health status will be noted. A variance request for the removal of specimen trees shall be submitted with the acceptance of future development applications.

Regulated Environmental Features

There is primary management area, comprised of regulated environmental features, which include floodplain, streams and associated buffers, steep slopes, and wetlands with their associated buffers located on-site. Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible. A letter of justification with exhibits shall be submitted for review, prior to acceptance of any application requesting impacts to regulated environmental features.

Stormwater Management

A site development concept will be reviewed by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) and should be submitted for review with the acceptance of future development applications.

Erosion and Sediment Control

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of the Environment that are afforded special protection under Maryland's antidegradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams, in accordance with the Prince George's Soil Conservation District requirements. This buffer is required to be shown on the NRI. Redundant erosion and sediment control measures may be required on the erosion and sediment control plan reviewed by the Soil Conservation District. The limits of development on the erosion and sediment control plans must match the limits of development on the site development plan and the tree conservation plans.

Scenic and Historic Roads

Floral Park Road is designated as a scenic/historic road and Accokeek Road is designated as an historic road in the MPOT.

The MPOT includes a section on special roadways, which includes designated scenic and historic roads, and provides specific policies and strategies which are applicable to these roadways, including to conserve and enhance the viewsheds along designated roadways. Any improvements within the right-of-way of an historic road are subject to approval by the County under the 1994 *Prince George's County Design Guidelines and Standards for Scenic and Historic Roads*.

The 2010 *Prince George's County Landscape Manual* (Landscape Manual) addresses the requirements regarding buffers on scenic and historic roads. These provisions will be evaluated at the time of the review of the specific design plan. Adjacent to an historic road, the Landscape Manual requires a Section 4.6 landscape buffer (Buffering Development from Special Roadways) based on the development tier (now ESA 2). In ESA 2, the required buffer along an historic road is a minimum of 20-feet-wide, to be planted with a minimum of 80 plant units per 100 linear feet of frontage, excluding driveway openings. Landscaping is a cost-effective treatment which provides a significant visual enhancement to the appearance of an historic road.

The special roadway buffer must be located outside of the right-of-way and public utility easements, and preferably by the retention of existing good quality woodlands, when possible.

Summary

The rezoning request is supported because it has been found to meet Section 27-195(b)(1)(A) and (E). The proposal will result in a minimal change to the WCT, which is currently 25 percent in the R-E Zone and 20 percent in the R-R Zone. The proposed zoning change to the R-S Zone would reduce the WCT to 20 percent for the entire site. This proposed application will be required to have an environmental site design to measure, control, and treat stormwater runoff,

in accordance with current County requirements. The basic plan shows woodland preservation, with limited impacts to the on-site riparian buffer areas, for one stream road crossing and four development pods. The basic plan demonstrates that the 20 percent WCT can be met on-site. Future development applications shall demonstrate preservation of the designated scenic and historic nature of both Floral Park Road and Accokeek Road.

7. **Zoning Requirements:** The District Council cannot approve a basic plan unless it finds that the entire development meets the criteria for approval set forth in Section 27-195(b).

Section 27-195. - Map Amendment approval.

(a) In general.

- (1) The District Council may approve or deny the application (including the Basic Plan). Approval shall be an approval of the general land use types; range of dwelling unit densities, including the base, minimum, and maximum densities; and commercial/industrial intensities, general circulation pattern, general location of major access points and land use relationships shown on the Basic Plan. Whenever an applicant designates a limitation of uses within an application, the District Council may approve specific land use types and their general locations within the development, in accordance with the applicant's designation, as part of its approval of the Basic Plan, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses. Such an approval by the District Council shall become a part of the approved Basic Plan. The District Council may also specify certain planning and development matters (known as "considerations") for the Planning Board and Technical Staff to consider in later Comprehensive Design Plan, Specific Design Plan, or subdivision plat review. The specifics of the considerations shall be followed, unless there is a clear showing that the requirement is unreasonable under the circumstances.**

The applicant seeks approval to amend the basic plan with single-family attached, single-family detached, open space, trails, and recreational facilities with density ranging from 737 to 955 dwellings, or 2.7 to 3.5 dwellings per acre, in accordance with the low-density recommendations and provisions of the R-S Zone. Density above 2.7 units per acre will require the provisions of public benefit features; those proposed include paths, open areas, and a pool with clubhouse.

Ingress and egress are proposed at two access points on Floral Park Road, with a right-of-way of 70-feet, and two access points on Accokeek Road, with a right-of-way of 80 feet.

- (2) **The finding by the Council of adequate public facilities shall not prevent the Planning Board from changing or modifying this finding during its review of Comprehensive Design Plans, Specific Design Plans, or subdivision plats. The Planning Board shall, at each phase of plan or subdivision review, find that the staging of development will not be an unreasonable burden on available public facilities or violate the planning and development considerations set forth by the District Council in the approval of the Basic Plan.**

The staging of development will not be an unreasonable burden on the available public facilities and will not violate the planning and development consideration made by the District Council.

- (3) **Where the property proposed for the Zoning Map Amendment is located within the Resource Conservation Overlay Zone, no Comprehensive Design Zone shall be granted for the subject property.**

The subject site is not located within a Resource Conservation Overlay Zone.

- (4) **In the approval of a Basic Plan in the V-M and V-L Zones, the District Council shall find that a variety of types of dwelling units shall be constructed at each stage of development, and that the storefront, civic, and recreational uses are staged to coincide with the initial stages of development.**

The subject site is not located in the Village Medium (V-M) or Village Low (V-L) Zones.

(b) Criteria for approval.

- (1) **Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:**

(A) The proposed Basic Plan shall either conform to:

- (i) **The specific recommendation of a General Map plan, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text that address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact that the development may have on the environment and surrounding properties;**

- (ii) **The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses; or**
- (iii) **The regulations applicable to land zoned R-S and developed with uses permitted in the E-I-A Zone as authorized pursuant to Section 27-515(b) of this Code.**

The Future Land Use Map (Map IV-1, page 32, Subregion 5 Master Plan and SMA) places the property within the Residential Low area. The intent of the residential low designation is for single-family detached suburban development. This residential low development may have up to 3.5 dwelling units per acre.

The subject site proposed density from 2.7 to 3.5 dwelling units per acre, in keeping with the residential low recommendation. However, the provided SOJ further describes the development project as containing single-family detached and attached (townhouse) units. The application does not conform to subpart (ii) of the above criteria, as the proposed townhouses do not follow the text or designation of the site as a single-family detached suburban development. Furthermore, as discussed above, three areas of the subject site are not located in the Future Water and Sewer Service Area.

- (B) **The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;**

No commercial uses are proposed with this application.

- (C) **Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;**

The site would generate 4,869 additional daily trips with the rezoning. The rezoning would also result in 400 to 500 additional peak-hour trips.

Staff does not believe that the additional volumes would lower the level-of-service anticipated by the master plan. The Subregion 5 Master Plan and SMA is, to a degree, based on the continued use of the Brandywine Road Club as a means of sharing in the major roadway improvements in the area. To augment the roadway recommendations, the master plan also recommends a transit line (also known as the Southern Maryland Rapid Transit line) parallel to MD 5 between the Branch Avenue Metrorail Station and Charles County. These facilities together ensure that adequate capacity exists in the MD 5 corridor to accommodate the rezoning.

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;**

Per Subtitle 24 of the Subdivision Regulations, methodology for testing adequate public facilities occurs at the time of PPS review; however, the above-referenced section requires a public facilities finding at the time of review of a proposed map amendment. The following information is provided in response to these findings, in order to allow for a determination of compliance.

RESIDENTIAL

Water and Sewer

The 2018 *Water and Sewer Plan* identifies the proposed development within water and sewer Category 4 (Community System Adequate for Development Planning) and Category 5 (Future Community Service).

Specifically, Parcel 188 (identified as Walton Maryland, LLC ETAL, Tax ID 11891820), and Part of Lot 44 (Walton Maryland, LLC ETAL, Tax District 11 and Tax Account 1189141) are designated water and sewer Category 5, Future Community Service. Parcel 188 is not included in Pod E of future development, per the basic plan exhibit. Likewise, the parts of Lot 44 in Category 5 fall within regulated environmental features and will not be developed. If the applicant wishes to develop any land in Category 5, they will need to apply for a change to Category 4 before PPS.

The Prince George's County Council Resolution CR-045-2020 changed Parcels 37, 143, and 236 from water and sewer Category 5 to Category 4.

In addition, Parcels 037, 143, 236, 188, Part of Lot 44 totaling 37.52, and Part of Lot 43 totaling 1.04 acres are in Tier 2 of the Sustainable Growth Act. Tier 2 comprises property currently planned for public sewer service.

Per the Growth Policy Map, the majority of the subject property is within a future water and sewer service area.

Capital Improvement Program (CIP)

The subject project is located in Planning Area 85A, Brandywine Vicinity. The Prince George's County FY 2021–2026 Approved Capital Improvement Program does not identify any schools and/or public safety facilities in the planning area.

Police

This project is served by Police District VII, Fort Washington, located at 11108 Fort Washington Road in Fort Washington.

Per Section 24-122.01(c)(1)(A) of the Prince George's County Subdivision Regulations, the Planning Board test for police adequacy is based on a response time residential standard of 10 minutes for emergency calls and 25 minutes for nonemergency calls. The residential response time standard of 10 minutes for priority calls in this area is currently failing (as of acceptance); therefore, mitigation may be required. However, per Section 24-122.01(f) (CB-20-2020, enacted July 21, 2020) the public safety facilities mitigation requirement may be waived by Council Resolution. The test for police adequacy will be further evaluated at the time of specific design plan and again at time of PPS review.

Fire and Rescue

This project is served by Brandywine Volunteer Fire/EMS, Company 840, located at 13809 Brandywine Road in Brandywine, as the first due station. Per Section 24-122.01(d)(1)(A), the Planning Board test for adequacy recognizes the national standard of a 7-minute total response time for fire/EMS response times for residential development. This will be further evaluated at the time of PPS review.

Schools

This project is in School Cluster 6. Gwynn Park High School, Gwynn Park Middle School, and Brandywine Elementary School serve this area. Per Section 24-122.02, Council Resolutions CR-23-2001 and CR-38-2002, *Adequate Public Schools Facility Regulations for Schools*, impacts to school facilities will be further evaluated at the time of PPS.

Library

This area is served by the Accokeek Branch Library, 15773 Livingston Road, Accokeek, Maryland and the Surratts-Clinton Branch Library, 9400 Piscataway Road, Clinton, Maryland.

- (E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.**

The proposed basic plan does meet the environmental criteria for approval. The basic plan does conform to the specific recommendations of Plan 2035, the Subregion 5 Master Plan and SMA, or the Green Infrastructure Plan. The principles and guidelines set forth in those plans seek to preserve, enhance, and restore the County's natural and built ecosystems; and with the rezoning to R-S, the application must follow the guidelines of the above approved plans.

Under the WCO, the forest conservation threshold would be slightly lower in the R-S Zone, requiring 20 percent for the entire application area, compared to that found for the two existing zones, which required 25 and 20 percent. The on-site wooded stream systems and riparian stream buffers, if preserved to the fullest extent practicable, could provide the minimum amount of woodland conservation required on-site.

- (2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.**

The applicant has indicated in the SOJ that the development project will be completed within six years.

- (3) In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either;**
 - (A) Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or**
 - (B) No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.**

The subject site is not located in the Local Activity Center Zone.

- (4) In the case of a V-M or V-L Zone, the applicant shall demonstrate to the satisfaction of the District Council that the commercial development proposed to serve the village is no longer than needed to serve existing and proposed residential development within and immediately surrounding the village, within the parameters of Section 27-514.03(d)(1)(A).**

The subject site is not located in the V-M or V-L Zones.

Section 27-511. – Purposes.

- (a) The purposes of the R-S Zone are to:**
 - (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors;**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and**
 - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

The development of the site as an R-S-zoned property allows a density of 2.7 to 3.5 dwelling units per acre. Public benefit features are anticipated, in order to achieve density above 2.7 dwelling units per acre. As stated above, the location of the requested zone is in conformance with the standards of the Subregion 5 Master Plan and SMA and Plan 2035. Section 27-515(b) permits residential dwellings in the R-S Zone. The proposed rezoning application meets the requirements of this purpose.

- (2) **Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;**

The specific zone in which a property is located designates the density ranges and other regulations. The criteria of the R-S Zone and the recommendations of Plan 2035 and the Subregion 5 Master Plan and SMA govern the subject site.

- (3) **Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

The area immediately surrounding the subject site is composed of undeveloped land and single-family detached residences. The application includes a conceptual layout for both single-family attached and detached dwellings. The townhouses in the conceptual layout are proposed near the periphery of the property where they are separated from adjoining uses by PEPCO transmission lines and/or natural features. Private recreational facilities are also proposed towards the interior of the development. The development is situated in the larger Brandywine community, where further residential development will help to stimulate the commercial businesses in the area. As stated above, public facilities are present and will be further tested at the time of PPS. While the townhouse use does not meet the text/intent of the Subregion 5 Master Plan and SMA, the conceptual layout exhibits compatibility with existing and proposed surrounding land uses and is found to promote the health, safety, and welfare of the present and future inhabitants of the regional district.

- (4) **Encourage amenities and public facilities to be provided in conjunction with residential development;**

The proposed zone will allow for more density, which encourages the preservation of open space. The applicant has proposed on-site recreational facilities such as a swimming pool and club house, open space areas, and walking paths with sitting areas throughout the community.

- (5) **Encourage and stimulate balanced land development;**

The development of the site is purely residential in nature, which will help to stimulate the economic activity of the Brandywine Community. Through the rezoning of the site, the proposed development will offer a set of housing types and lot sizes that are unique to the surrounding zones, thereby encouraging varied yet balanced land development.

(6) Improve the overall quality and variety of residential environments in the Regional District; and

The current zoning of the property is intended for larger lot sizes and less density. The rezoning and subsequent development of the property to the R-S Zone will improve the overall quality and variety of surrounding residential environments by allowing density and lot sizes that will help to preserve natural features on-site, such as the Burch Branch stream, and wooded and open space areas.

(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.

All proposed uses are permitted in the R-S Zone. The development proposal is not associated with uses pertinent to the Employment and Institutional Use Area Zone; therefore, this purpose does not apply.

8. Further Planning Board Findings and Comments from Other Entities: Referral memoranda comments directly related to the request to rezone the property were included in the body of this technical staff report. Referral memoranda were received from the following divisions, all are included as backup to this report and are incorporated herein by reference:

- a. Transportation Planning Section (Bicycle/Pedestrian Facilities), dated May 22, 2021 (Ryan to Sievers);
- b. Transportation Planning Section (Traffic), dated June 3, 2021 (Masog to Sievers);
- c. Prince George's County Department of Parks and Recreation, dated May 10, 2021 (Burke to Sievers);
- d. Community Planning Section, dated May 24, 2021 (Calomese to Sievers);
- e. Urban Design Section, dated May 18, 2021 (Zhang to Sievers);
- f. Environmental Planning Section, dated May 21, 2021 (Schneider to Sievers);
- g. Historic Planning Section, dated April 28, 2021 (Stabler to Sievers);
- h. Subdivision Section, dated May 14, 2021 (DiCristina to Sievers);
- i. Special Projects Section, dated May 14, 2021 (Perry to Sievers);
- j. Prince George's County Department of Permitting, Inspections and Enforcement (Water/Sewer), dated April 16, 2021 (Branch to Sievers); and

- k. Prince George's County Department of Permitting, Inspections and Enforcement (Site/Road), dated April 30, 2021 (Giles to Sievers).

9. **Planning Board Hearing**— At the Planning Board hearing on July 8, 2021, the applicant's attorney, Matt Tedesco, entered one exhibit into the record. Staff also provided one exhibit. The applicant's exhibit contained a virtual public hearing notice and mailing list. The staff exhibit added the most recent Statement of Justification to the additional backup.

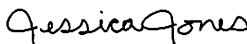
NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be approved without proposed conditions.:

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner and Hewlett voting in favor of the motion, and with Commissioner Geraldo opposing the motion at its regular meeting held on Thursday, July 8, 2021, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of July 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY



David S. Warner
M-NCPPC Legal Department
Date: July 20, 2021

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND
OFFICE OF THE ZONING HEARING EXAMINER**

ZONING MAP AMENDMENT

A-10060

DECISION

Application:	R-E and R-R to R-S/LCD
Applicant:	D.R. Horton, Inc. /Saddle Ridge
Opposition:	Mr. Mark Calhoun
Date:	October 27,2021 ¹
Hearing Examiner:	Maurene Epps McNeil
Recommendation:	Approval of the R-S Zone

NATURE OF REQUEST

(1) A-10060 is a request for the rezoning of approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone.² The subject property is located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5)/Brandywine Road/Accokeek Road intersection.

(2) The Technical Staff recommended that the Application be approved without conditions. (Exhibit 14) The Planning Board made the same recommendation. (Exhibit 2)

(3) Mr. Calhoun resides near the subject property and appeared in order to learn more about the Application. Since he is not an expert in the County's Zoning Ordinance I have listed him in opposition to the request. (T.94-95)

(4) Shortly after the close of the hearing the Application was tolled pending final District Council action on the Countywide Map Amendment ("CMA"). On November 29, 2021, the District Council adopted CR-136-2021, thereby approving the CMA, with an effective date of April 1, 2022. On December 20, 2021, Applicant submitted a written request that the consideration of its Application proceed as amended to request a rezoning to the LCD ("Legacy Comprehensive Design") Zone, and revised its Basic Plan

¹ Due to the unique requirements of tolling hearings upon the endorsement of the Countywide Map Amendment and Applicant's ability to request certain different zones after the District Council's approval thereof, *infra*, the time period for issuing a decision in this matter would be measured from the date that Applicant revised its request and not from this hearing date.

² The Applicant noted that the actual acreage for the site is 289.36, not 289.01 acres as originally stated elsewhere in the record. (T.24)

accordingly. On January 20, 2022, the Technical Staff submitted a memorandum noting that its recommendation of approval would not change if the property were rezoned to the LCD Zone, and the record was closed at that time.

FINDINGS OF FACT

Subject Property and Surrounding Uses

(1) The subject property is a combination of record lots and acreage parcels described in detail in the Technical Staff Report. (Exhibit 14) The Burch Branch, and its associated steep slopes, runs north-south through the site. A PEPCO transmission line also bisects the northern section of the site. No vehicular access is proposed to cross this property or the streams. (Exhibit 3) Portions of the site were subject to previously approved preliminary plans of subdivision (including the Estates of Pleasant Valley). Portions have also been used for surface mining operations and gas storage field operations permitted pursuant to various Special Exceptions. (Exhibit 14, p. 4) The majority of the subject property is wooded and has been cleared of the mining operation.

(2) The site has frontage on Floral Park Road (a primary road with a right-of-way of 70 feet and designated as a scenic/historic road) and Accokeek Road (a collector with a proposed right-of-way of 80 feet and designated as an historic road). (Exhibit 3) If the request is approved development will be subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size and has more than 10,000 square feet of existing woodland. There are regulated environmental features on site which include floodplain, streams and associated buffers, steep slopes and wetlands. The subject property is not located within a Resource Conservation Overlay Zone, nor is it located within an Aviation Policy Area or Military Installation Overlay Zone. (Exhibit 14, p. 11)

(3) The subject property is surrounded by the following uses:

- North – Single-family detached dwellings in the R-R Zone
- South – Surface mining, and gravel wet-processing, vacant land, and a single-family detached dwelling in the R-R Zone
- East – Single-family detached dwellings in the R-E Zone and vacant land in the R-R Zone
- West – Single-family detached dwellings and vacant land in the R-E Zone

(4) The neighborhood is mostly farm and woodland, with a few single-family detached homes on the perimeter, including large parcels along Brandywine and Floral Park Roads. It is defined by the following boundaries:

- North – Floral Park Road
- South- Accokeek Road
- East – Brandywine Road (MD 381)

- West –South Springfield Road

Master Plan/Sectional Map Amendment

(5) The subject property lies within the Brandywine Community (located on the east and west sides of MD 5/US301, north of Charles County and west of the CSX railroad), in Planning Area 85A an area governed by the 2013 Subregion 5 Master Plan (“Master Plan”) and Sectional Map Amendment (“SMA”). It is not part of the Brandywine Local Center.

Table IV-1 (the Future Land Use Map) designates land in the R-E, R-R, R-L, V-L, V-M, R-S, and R-80 Zones as “Residential Low” and describes that as “[r]esidential areas up to 3.5 dwelling units per acre [and] [p]rimarily single-family detached dwellings.”(2013 Subregion 5 Master Plan, p. 31) The Master Plan then provides a broader explanation for residential low areas that caused Staff and the Planning Board to initially question whether Applicant’s inclusion of townhouses could be approved:

Residential low areas are designated for single-family detached suburban development. Most of the land in Subregion 5 is in this category, which is intended for single-family detached residential development that may have up to 3.5 dwelling units per acre. Residential low areas include much of the residential land in the Accokeek community that is not in the Rural Tier and most of the land in Clinton/Tippett surrounding Cosca Regional Park. These areas are located in the MD 5 corridor north of Floral Park Road and Brandywine Road. Along MD 223, most of the area known as Hyde Field is designated “Residential Low” land use in this master plan. This departs from the long-standing designation for this property as an employment and institutional area. At this location, the Residential Low designation is consistent with the surrounding development pattern.

(2013 Subregion 5 Master Plan, p. 33)

(6) One goal in the Master Plan is to “[p]rovide for compatible new development in older , established communities of Accokeek, Brandywine, and Clinton.” (2013 Subregion 5 Master Plan, p. 35) The Master Plan also noted that other portions of the Brandywine Community (which includes the subject property) “are envisioned as being primarily low density residential “ and much of it “would be in large master-planned subdivisions, particularly in the northern and western portions of the community such as Saddle Creek and the Estates at Pleasant Valley.” (2013 Subregion 5 Master Plan, p. 42)

(7) The 2014 General Plan (“Plan 2035”) places the property within the Established Communities. Plan 2035 provides the following vision for 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 spaces), and infrastructure in these areas (such as sidewalks) to ensure the needs of existing residents are met.

(Plan 2035, p. 20)

Applicant's Request

(8) The State Department of Assessment and Taxation certifies that Applicant is in good standing and authorized "to transact interstate, intrastate and Foreign Business in Maryland." (Exhibit 33)

(9) The Applicant seeks to rezone its property to the R-S (or LCD Zone, discussed infra) to allow the development of 737-955 total dwelling units with up to 35% possibly constructed as attached dwellings if Public Benefit Features are provided pursuant to Section 27-513 (d) of the Zoning Ordinance (2019 Edition). Applicant proposes to include "a network of open space, private recreational facilities and trails, in line with the overall goals of the Master Plan." (Exhibit 3, p. 6) This development complies with the base density of the R-S Zone (2.7-3.5 du/acre). The development of single-family attached and detached dwellings will be in five development pods surrounding a central pool and clubhouse. One of the five, Pod B will remain undisturbed for woodland preservation.

The Basic Plan reveals that access to the site will be provided via two points on both Floral Park Road and Accokeek Road. There will be one stream crossing to connect Pods A and C.

(10) A portion of the site contains floodplain, steep slopes and associated buffer areas. Mr. Charlie Howe, accepted as an expert in the area of civil engineering, testified that he has inspected the subject property on multiple occasions. He explained that Burch Branch intersects the property and Applicant proposes to minimize any impact on this stream by developing in Pods and constructing only one stream crossing between Pods C and D. (Exhibit 44)

(11) Mr. Howe also noted that the Basic Plan was prepared under his direct supervision and discussed its compliance with Sections 27-179 (c)(1)(A), (D) and (E):

[W]e did have a licensed surveyor submit the boundary with the submitted application.... [The] basic plan was prepared outlining the existing zones, circulation, and the development pods. And ... the proposed construction is expected to occur within six years....

So the basic plan proposes the development of single-family attached and detached houses within the development pods that you're seeing on [Exhibit 22]. There is a central pool in the clubhouse area.... This basic plan presents an opportunity to bring a high quality diverse walkable community to the area.... Many of the lots will have premium views on the ...[B]ranch ... described earlier. All of this is accomplished with minimal environmental impacts. Slopes within the PMA will be preserved to the greatest extent possible. Stream impacts are minimized by strategically locating the road crossings... [and we] reduced down to one crossing. And the crossing ... will convey the 100-year storm, meeting requirements ... outlined by [DPIE].... There's two accesses from Floral Park Road and another point of access from Accokeek Road at ... [P]od C. The eastern

access on [P]od C is a divided roadway as it goes through the pod area. The plan shows a neighborhood road system that aligns with the environmental features.³

(T. 23-24, 26)

(12) Mr. Steve Allison, accepted as an expert in arboriculture and landscape architecture, testified that he prepared a Natural Resources Inventory (“NRI”) and assisted in preparation of the Basic Plan. The former was not required for the instant Application but was done to ensure that future development would be designed in the “most environmentally responsible way... using existing mining areas, compacted areas, [and] areas of low-quality environment....” (T. 50) Mr. Allison explained that the Basic Plan was designed to highlight areas of environmental concern and direct development away from areas that could impact the Burch Branch or adjacent land:

Mr. Tedesco: And Mr. Allison, is an NRI required for this application?

Mr. Allison: It is not:

Mr. Tedesco: But you have conducted an NRI which is Exhibit 35, for what purpose:

Mr. Allison: To basically show that we are designing this ... [in] probably the most environmentally responsible way that we can using existing mining areas, compacted areas, areas of low-quality environment holistically.... [W]e kind of curtailed the design based on my environmental idea of how we could keep forest and tier drawing species, and everything that could use this natural corridor around Burch Branch without impeding any of that, that currently exist today....

Mr. Tedesco: In looking at ... Exhibit 35, can you ... confirm that the development pods of the basic plan are consistent with the areas of preservation [of] environmental features?

Mr. Allison: Sure.... The green is the forest area, and the area that's white within our site is not technically a forest.... [T]he pink areas with pink outlines ... are wetlands that we identified on the site. You'll see dash lines going around green areas, those are required buffers that we needed to put on by the State or by the County, and we basically chose our design based on these measurements of high quality and low quality.... So, when you look at this area and you see different wetlands in different areas, that's kind of how we developed our [plan] for high quality and low quality, and why we chose which area to build....

[The Basic Plan] gives the best opportunity to provide development while ensuring that these areas that are currently existing as a high-quality habitat, and environment and mature growth are protected. With this development, these areas will be protected in perpetuity and that's kind of what we're looking for....

[W]hat we're doing [is] preserving that area for the health of the environment and the adjacent land uses.... [If this rezoning is approved the forest conservation threshold will be] 20 percent, and I think previously we have RE at 25 and RR at 20. Basically, that's not much difference....

[The forest conservation thresholds can be met on site] through protecting basically what's in the PMA. You see those dash lines ... but really throughout the Burch Branch and tributaries corridor, and those are your high-quality areas that you want to preserve. So having areas that we're not doing stream crossings, we've limited those....

³ Applicant submitted a revised Basic Plan that slightly renumbered the development pods. (Exhibit 44; T. 28-29)

(T. 50-54)

(13) Mr. Allison concluded by noting that the proposed attached and detached dwellings will be placed in an area compatible with existing development and each sensitive habitat on site will be preserved to the maximum extent possible. (T. 55-56)

(14) Applicant's expert in transportation planning, Michael Lenhart, prepared a traffic memo dated November 12, 2020, and testified at the hearing. The memo addressed the changes to the Traffic Impact Analysis Zones ("TAZs") that will be impacted by the proposed development. (Exhibit 42)

(15) Mr. Lenhart provided the following testimony in support of the request:

We did not conduct a traffic impact study per se. The guidelines have requirements, and the Zoning Ordinance has requirements for traffic impact studies for certain rezoning applications ... , but in this particular ZMA request, there is no requirement for a traffic impact study. There is a finding that is required [in Section] 27-195 (b)(1)(C) that requires a finding that uses will not generate traffic which would lower the level of service anticipated by the land use and circulation systems on the general or master plans. And in order to do that, the guidelines in this type of case recommend the use of the [transportation] planning model. The County is broken down ... into over 2,000 small transportation area zone[s] [TAZ], And each TAZ is in the [transportation] model based on the current zoning and density that's allowed ... that gets assigned to each of the road lengths throughout the County based upon traffic and demand between the different TAZs.

So ... we provided ... staff ... a transportation memo that looked at this site and the TAZs that were impacted by this site, or that are overlayed on this site, and we identified the number of dwelling units that are allowed using the existing zoning, and the number of units that would be allowed for the proposed zoning, and identified the increase in units within each of the TAZs that overlay this site. And then we provided that information to staff. They ... conducted their own analysis, internal analysis....

[Q]uoting from page 4 of [their] memo [their] conclusion is that from the standpoint of transportation and in consideration of the findings contained herein, it is determined that the plan is acceptable [It] will not lower the level of service anticipated by the master plan A true adequacy test will be required at the time [of preliminary plan of subdivision review] ... and Mr. [Masog] spells out in his memorandum 10 intersections that he identified should be included ... at the time of preliminary plan, and it is likely that it will be required for CDP as well

(T. 63-67)

(16) Upon cross examination Mr. Lenhart clarified:

We're not claiming that [the request] won't add traffic to the roadways, but the finding is that it won't lower the level of service as identified by the master plan recommendations [It] will be adding traffic, but that will be tested through traffic impact studies and altered at the time of CDP and the preliminary plan to ensure that there is safe and adequate

access, and whether to determine the extent ... improvements that might be required to make sure that it's adequate

(T. 69) Mr. Lenhart also testified that the Application would be eligible to participate in the Brandywine Road Club and, thereby, make monetary contributions to transportation facilities in the area to ensure that adequate levels of service are maintained in the area. (T. 69-70)

(17) Mr. Joseph Del Balzo, accepted as an expert in the area of land use planning, prepared the Statement of Justification and testified in support of the Application. (Exhibit 3; T. 84) The Statement of Justification described the character of the neighborhood from approximately 1965 to the present noting that it was primarily rural in nature for much of that time. It also addressed compliance with the Master Plan:

The Master Plan recommends Residential Low land use for the Property. There are no design considerations in the Master Plan specific to this property, except to say that "much of the future residential development would be in large master-planned subdivisions, particularly in the northern and western portions of the community, such as Saddle Ridge and the Estates at Pleasant Valley." (p. 42) The Master Plan further indicates that Residential Low refers to development of up to 3.5 dwellings per acre. The overall proposed density of 2.7-3.5 dwellings per acre is in keeping with Residential Low designation. The conceptual layout respects the environmental features on the Property. The Basic Plan conforms to the principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, and the location of land uses....

No commercial uses are proposed.

(Exhibit 3, pp. 30-31)

(18) Mr. Del Balzo pointed out that density above 2.7 dwelling units will require the provision of Public Benefit features – Applicant's proffered features "include paths and active and passive recreational facilities – open areas and a pool with clubhouse." (Exhibit 3, p. 28) He also noted that all public facilities will be adequate for the uses proposed since:

- All of the property is in Water and Sewer Category W4 and S4, including two small parcels in the northern section that were placed therein in July 2020. (Exhibit 3, p. 32 and Exhibit 43);
- A Fire/EMS station (Brandywine 840) is approximately one mile east of the site;
- Two libraries (the Accokeek Branch on Livingston Road and the Surratts-Clinton Branch on Piscataway Road) are within 7.5 miles of the site; and
- There is an elementary, middle and High School within two miles east of the site, and a surcharge will be imposed at the time of subdivision to ensure school adequacy.

(19) The Statement of Justification and other information in the record support a finding that the Application meets all additional criteria in the Zoning Ordinance (2019 Editions) Section 27-195 (b) (including Plan 2035's Land Use and Housing and Neighborhood Policies, and the 2013 Master Plan policies/visions. (Exhibit 3, pp. 5-23 and 34-37) Moreover, Mr. Del Balzo opined that the purposes of the R-S Zone, found in Section 27-511 of the Zoning Ordinance (2019 Edition) were met since: the residential density will be dependent upon the provision of public benefit features, the location of the R-S Zone in the Brandywine Community is in accord with the vision for this area of Residential Low development, and the proposed uses are permitted under Section 27-515 (b) and will be in conformance with applicable standards in Plan 2035 and the 2013 Subregion 5 Master Plan; the R-S Zone establishes density and regulations for the site, and the Basic Plan and future plans will show the exact density which shall conform with the ranges in the zone, and the General Plan and Master Plan recommendations will be followed; the subject property will be developed with single-family detached residences in the area adjacent to properties already developed with such uses and the townhouses are proposed near areas of the site where they are separated from adjoining uses by PEPCO transmission lines and/or natural features, and the private recreational facilities are proposed in the interior of the development; amenities, including a centralized outdoor swimming pool, clubhouse, open play areas, paths and sitting areas are provided throughout the site; the addition of housing on this site will provide additional population that will help stimulate the growth of new commercial businesses and promote the viability of existing commercial business; development on site will largely preserve the pristine Burch Branch while providing a high-quality housing environment; and uses in the E-I-A Zone are not proposed.

(20) At the hearing Mr. Del Balzo elaborated further on the Application's compliance with the General and Master Plans and applicable provisions of the Zoning Ordinance:

There's a note in [Plan 2035] [that] says for specific land use recommendations, you refer back to the applicable master plan.... [Plan 2035] placed the property in the established communities and ... the established communities are designed for [context sensitive] in-fill development The land use recommendations include placing a majority of the new growth in...regional transit district[s], directing mixed-use projects to those districts. But recognizing that there is going to be growth occurring outside those districts in [E]stablished [C]ommunities. On page 108, it defines the Brandywine Center ... as an auto-related center. So this is not a walkable regional [town] center, it's a local [town] center, it's automobile related. The staff in their analysis said that we relied a little too heavily on the Brandywine Center for our density, and I'd have to disagree with that. I don't think we relied heavily on it. We mentioned the Brandywine Center, but I do believe that the Brandywine Center is an important center for this property.... Later on when [staff discusses] the RS zone says that you know the development of residential uses on this property will help spur development in the Brandywine Center. So there is a relationship between this and the Brandywine Center, and I think that it's an important relationship especially because it's auto related. If this was a walkable regional [town] center, we're not [in] walking distance. Some people might walk it, I wouldn't walk the 1.4 miles to go to the Target, but some people might. But it's not a walkable [regional town] center, it's an auto-related center. So moving on to the 2013 [Subregion] 5 master plan, this master

plan recommended residential low land uses.... It placed the property into the Brandywine community and the vision for the Brandywine community is that it would develop a large mixed-use ... community with transit opportunities. Also ... on page 28, a variety of housing choices available to the residents. It recommends also on page 42, that much of the future development in Brandywine would be in large master plan communities, which is what we are. Going to Mr. Brown's question earlier about the townhouses, on page 33 the staff is correct. On page 33 of the master plan, it says that the residential low areas are designated for single-family ... detached dwellings.... On page 31, however, there's a chart ... Table 4-1, future land use map designations, descriptions and applicable zones. And it lists out the different designations of the land uses. And under residential low, it says residential areas up to 3.5 dwelling units per acre, primarily single-family detached dwellings. And it lists several applicable zones that could be used in a residential low area , and the [R-S] Zone is one of them. In the [R-S] Zone, as we know, townhouses are allowed. I looked up the word primarily and it says basically, ... [and] does not say exclusively.... And Section 27-513 allows up to 35 percent of the dwellings in the R-S Zone to be townhouses. So I believe that 65 percent single-family detached would make this neighborhood ... primarily single-family detached....

[U]nder the housing policies [section], ... policy number 2 ...[t]alks about preserving and expanding ... housing ... ownership opportunities in the County. And ... the [C]omprehensive [H]ousing [S]trategy that was published by the County in 2019 ... recognized the problem that they called the missing middle, and that was housing in the middle range....and so they recommended that there not only be a ... mix of units in the county, but they also recommended that there be a mix of units within developments. So given the master plans ... and the County's study ... I believe that this proposal kind of satisfies all of that. It is in harmony with those purposes of the [Subregion] 5 plan and the [P]lan 2035.....

(T. 80-84)

(21) On December 20, 2021, subsequent to the District Council's adoption of the Countywide Map Amendment ("CMA "), Applicant submitted its notice of intention to proceed and revised its request to ask for the new LCD (" Legacy Comprehensive Design ") Zone :

[A]s a result of the approval of the CMA ... the applicant and owner hereby request to replace the requested R-S Zone with the new LCD Zone. [I]t has been determined by M-NCPPC and its Principal Counsel that the replacement of the requested R-S Zone with the LCD Zone does not require an amendment to A- 10060 since the LCD Zone is the appropriate new zone directed by the Approved Guide to New Zones. It has further been determined by M-NCPPC that neither a new Technical Staff Report nor Planning Board hearing will be required since the applicant is now requesting the LCD Zone, which, again is the appropriate replacement zone to the R-S Zone, as directed by the Approved Guide to New Zones. Finally, M-NCPPC confirmed that this application will proceed pursuant to the transitional provisions provided in Section 27-1703 (a), which allows the pending zoning request to be reviewed and decided under the current Zoning Ordinance even after the effectuation date of the new Zoning Ordinance. Therefore the restrictions in Section 27-3601 (b) (2) are not applicable....

(Exhibit 46)

Opposition's Concerns

(22) Mr. Mark Calhoun was concerned that the additional residences requested in the the Application would increase traffic near his home, and that could be dangerous since his "neighbors have almost lost their [lives] coming out of their driveway...." (T. 68)

Agency Comments

(23) The Technical Staff recommended approval of the R-S Zone, initially, and the LCD Zone once the District Council had adopted the Countywide Map Amendment. (Exhibits 14 and 49) In arriving at its recommendation Staff provided a thorough analysis of conformance with applicable provisions of Plan 2035, the 2013 Subregion 5 Master Plan, the 2017 Countywide Green Infrastructure Plan; it discussed compliance with the criteria set forth in Section 27-195(a); and it reviewed the purposes of the R-S Zone. (Exhibit 14, pp. 5-18, and Backup pp.105-123) In particular, the Technical Staff found:

- Plan 2035, the 2013 Master Plan is Environmental Infrastructure Section, and the 2017 Countywide Green Infrastructure Plan of the Prince George's Resource Conservation Plan include several environmental policies that the Basic Plan and future plans must address since the site contains regulated and evaluation areas (areas mapped in association with the on-site Burch Branch stream and tributaries, and areas associated with the woodlands adjacent to the stream valleys and provides wildlife connections between the streams, respectively). Since Applicant removed one proposed stream crossing for a road connecting the original Pods A and C to reduce impacts on the stream, and recognized, in its Statement of Justification, the "pristine Burch Branch" and the need to preserve it, and since all of these policies will be addressed, it concluded that the request "is in conformance with the Water Quality, Stormwater Management and Groundwater Policy of the Environmental Infrastructure Section within the 2013 Master Plan. (Exhibit 14, Backup pp. 111,113)
- The request generally satisfied Plan 2035's vision that this property be placed within the growth boundary and any portion not approved for a water and sewer category to support the proposed development (Category 4) be placed in the Future Water and Sewer Service Area until additional residential capacity is acquired. The portions on the lower portion of the site are not in the proper service category (Parcel 188 and Part of Lot 44) since they are in Category 5- but the former is not identified for development in the Basic Plan and parts of the latter fall within regulated environmental features and will not be developed. (Exhibit 14, Backup p.127) In any event, should Applicant wish to develop any land within Category 5 they will need to apply for a change to category 4 before preliminary plan of subdivision review/approval.
- The request does not conform to the principles and guidelines (including the text) of the 2013 Master Plan because the text noted that Residential Low uses, defined as single-family detached suburban development, should occur and Applicant wishes to develop up to a third of its residential density as townhouses. However, the Future Land Use Map in the Master Plan does not limit the definition of Residential Low development to detached dwellings. (Exhibit 14, Backup p.98);
- The purposes of the R-S Zone will be met for reasons similar to those noted by Applicant;
- The subject property does not contain and is not adjacent to any Prince George's County Historic Sites or Resources, and portions that were not part of the Phase I archeological

survey completed for the 2007 review of the Estates of Pleasant Valley subdivision should be evaluated at the time of preliminary plan of subdivision review/approval. (Exhibit 14, Backup pp. 102-103);

- The mandatory dedication of parkland requirements and the location of the master plan trail will be evaluated at the time of preliminary plan of subdivision review/approval. (Exhibit 14, Backup pp. 124-125);
- The subject property will be served by Police District VI, Fort Washington, and mitigation, or waiver by Council Resolution, may be required since the residential response time standard of ten minutes for priority calls in this area is failing as of the date of acceptance of the application. Adequacy of police service will be evaluated again at time of Specific Design Plan review. Fire service will be provided by the Brandywine Volunteer Fire/EMS Company 840 located at 13809 Brandywine Road in Brandywine, and adequacy will be tested at preliminary of subdivision review. Adequacy of all school facilities in the area will be further evaluated at the time of preliminary plan of subdivision review and surcharges imposed. The subject property is served by the Accokeek Branch and the Surratts-Clinton Branch libraries. (Exhibit 14, Backup pp.127-128)
- The Urban Design Section noted no objections to the approval of the Application. (Exhibit 14, Backup p. 140)

(24) Tom Masog of the Transportation Planning Section had the opportunity to review the request and offered salient comment. He reviewed the request to determine whether transportation facilities will be adequate to carry the traffic anticipated to be generated by the development based on maximum proposed density, and to ensure that the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved general or master plans. Mr. Masog explained that if the request is approved future comprehensive design plan ("CDP") and preliminary plan of subdivision applications will include a traffic study that will be reviewed with greater detail and when these future traffic studies are done impact will be examined the following locations:

- MD 5 at Service Road and Brandywine Road
- MD 5 at Service Road and Accokeek Road
- Brandywine Road and Floral Park Road
- Brandywine Interchange Overpass and southbound MD 5 Ramps
- Brandywine Interchange Overpass and northbound MD 5 Ramps
- Floral Park Road and northeast site access
- Floral Park Road and northwest site access
- MD 373 and southeast site access future
- MD 373 and southwest site access
- US 301 and MD 381

(Exhibit 14, Backup p. 130)

(25) Next, he noted that the subject property is located within Planning Area 85A and will, therefore, be allowed to participate in the Brandywine Road Club and pay a fee towards the construction of road improvements to alleviate any inadequacy as defined by the Transportation Review Guidelines. Finally, Mr. Masog stated that there may be as many as 4,869 additional daily trips if the rezoning is approved, but found that not to be a basis for denial:

[T]he changes between the existing and the proposed zoning are significant. However, the transportation staff does not believe that the additional volumes would lower the level-of-service anticipated by the master plan. The *Approved Subregion 5 Master Plan and Sectional Map Amendment* is, to a degree, based on the continued use of the Brandywine Road Club as a means of sharing in the major roadway improvements in the area. To augment the roadway recommendations, the master plan also recommends a transit line ... parallel to MD 5 between the Branch Avenue Metrorail Station and Charles County. These facilities together ensure that adequate capacity exists in the MD 5 corridor to accommodate the rezoning....

Access and circulation are acceptable as shown on the plan. The overall circulation system is affected in large [part] by environmental features within the site....

From the standpoint of transportation and in consideration of the findings contained herein, it is determined that this plan is acceptable if the application is approved.

(Exhibit 14, Backup pp. 132-133)

(26) The Technical Staff recommended approval, concluding as follows:

While this application meets all other requirements for approval, it does not meet the requirements of Section 27-195 (b)(1)(a)(ii) of the Prince George's County Zoning Ordinance. The proposed townhouses of the associated development project are not supported in the text of the master plan, but the intent of the Residential Suburban Development Zone is to allow flexibility in development. The master plan text calls primarily for single-family detached residential but does not specifically limit attached.

Furthermore, there are three portions of the subject site that are currently located outside of the Future Water and Sewer Service Area that will have to address the need for a water and sewer category change at the time of future development. Staff recommends APPROVAL of Zoning Map Amendment A-10060, Saddle Ridge, for rezoning from the Residential-Estate and Rural Residential Zones to the Residential Suburban Development Zone.

(Exhibit 14, p. 19)

(27) The Planning Board basically adopted Staff's findings as its own. (Exhibit 3)

(28) The Department of Permitting, Inspections and Enforcement had "no objection to this proposed rezoning" but reminded Applicant of all of the requirements that will be needed for access via the County maintained road (Floral Park Road), advised that the Maryland State Highway Administration must be contacted for approvals concerning the State maintained road (Accokeek Road), and the need to contact its floodplain manager since floodplain is present on the site. (Exhibit 14, Backup pp.145-147)

APPLICABLE LAW

(1) Applicant's request for a rezoning to the R-S Zone must satisfy the provisions of Section 27-195 of the Zoning Ordinance. This Section provides, in pertinent part, as follows:

Sec. 27-195. Map Amendment approval.

(a) In general.

(1) The District Council may approve or deny the application (including the Basic Plan). Approval shall be an approval of the general land use types; range of dwelling unit densities, including the base, minimum, and maximum densities; and commercial/industrial intensities, general circulation pattern, general location of major access points and land use relationships shown on the Basic Plan. Whenever an applicant designates a limitation of uses within an application, the District Council may approve specific land use types and their general locations within the development, in accordance with the applicant's designation, as part of its approval of the Basic Plan, in order to ensure overall compatibility of land use types within the proposed development and with surrounding land uses. Such an approval by the District Council shall become a part of the approved Basic Plan. The District Council may also specify certain planning and development matters (known as "considerations") for the Planning Board and Technical Staff to consider in later Comprehensive Design Plan, Specific Design Plan, or subdivision plat review. The specifics of the considerations shall be followed, unless there is a clear showing that the requirement is unreasonable under the circumstances.

(2) The finding by the Council of adequate public facilities shall not prevent the Planning Board from changing or modifying this finding during its review of Comprehensive Design Plans, Specific Design Plans, or subdivision plats. The Planning Board shall, at each phase of plan or subdivision review, find that the staging of development will not be an unreasonable burden on available public facilities or violate the planning and development considerations set forth by the District Council in the approval of the Basic Plan.

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(b) Criteria for approval.

(1) Prior to the approval of the application and the Basic Plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(A) The proposed Basic Plan shall either conform to:

(i) The specific recommendation of a General Plan map, Area Master Plan map; or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or

(ii) The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the Basic Plan;

(C) Transportation facilities (including streets and public transit) (i) which are existing, (ii) which are under construction, or (iii) for which one hundred percent (100%) of the construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plans, or urban renewal plans;

(D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six (6) years of the adopted County

Capital Improvement Program (such as schools, recreation areas, water and sewerage systems, libraries, and fire stations) will be adequate for the uses proposed;

(E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District.

(2) Notwithstanding subparagraphs (C) and (D), above, where the application anticipates a construction schedule of more than six (6) years (Section 27-179), public facilities (existing or scheduled for construction within the first six (6) years) will be adequate to serve the development proposed to occur within the first six (6) years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and public need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities.

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(c) **Conditional approval.**

(1) When it approves the Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which it finds are necessary to either:

(A) Protect surrounding properties from the adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall these conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone, except as provided in subparagraph (a)(1), above.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the approved zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council, accordingly. If the applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance, and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions, shall be shown on the Zoning Map with the letter "C" after the application number.

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(2) The Application must also further the purposes of the R-S Zone, found in Section 27-511 of the Zoning Ordinance. This Section provides as follows:

Sec. 27-511. Purposes.

(a) The purposes of the R-S Zone are to:

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;

(2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;

(3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

(5) Encourage and stimulate balanced land development; and

(6) Improve the overall quality and variety of residential environments in the Regional District.

(3) Pursuant to Section 27-1905 of the Zoning Ordinance (2019 Edition) Applicant has requested that the Application be revised to seek the LCD Zone. This necessitates a review of that Section and Sections 27-1703 (a), 27-3601(b) and 27-4205 (a), (c) and (d) of the Zoning Ordinance (2022 Supplement). These Sections provide as follows:

Sec. 27-1905. Planning Board Action and Transmittal.

(a) The Planning Board shall endorse the proposed CMA at a public meeting and issue a Resolution of endorsement, as appropriate, in accordance with applicable law.

(b) The Board's Resolution and a copy of the endorsed CMA shall be transmitted to the District Council, the County Executive, and all municipalities and any governed special taxing districts in the County within ten (10) days of the date of adoption of the Resolution of endorsement by Planning Board.

(c) Pending Zoning Map Amendment applications.

(1) Upon transmittal of the endorsed CMA to the District Council, the Planning Board and Zoning Hearing Examiner shall postpone accepting or processing any Zoning Map Amendment application within the area of the proposed CMA until after any final action by the District Council. As such, any applications pending before the District Council in the CMA area shall be remanded to and held in abeyance by the Zoning Hearing Examiner, unless the application includes a site plan that is grandfathered pursuant to the specified terms set forth within CB-013-2018, as approved by the District Council.

(2) Upon approval of the CMA by the District Council, all applicants who wish to proceed with a postponed application or an application remanded to the Zoning Hearing Examiner may notify the Planning Board or Zoning Hearing Examiner, as appropriate, regarding their intention as to whether to proceed with their Zoning Map Amendment application, and only to seek a zoning classification embodied within the approved replacement Zoning Ordinance. Such amended applications shall be processed in accordance with all procedures and requirements which normally apply to Zoning Map Amendment applications under this Zoning Ordinance. Failure of an applicant to amend their application or to notify the Planning Board or Zoning Hearing Examiner of their intent to proceed within thirty (30) days after the CMA is approved shall constitute a withdrawal of the application.

(3) Where a Zoning Map Amendment applicant elects to proceed with an application before the Zoning Hearing Examiner, the Examiner shall (by reference) introduce in the record and take administrative notice of the CMA. The Hearing Examiner shall hold additional hearings or otherwise ascertain the facts and issues raised or presented in the record of CMA proceedings.

(4) In the event that the proposed CMA is disapproved by the District Council, the Planning Board and Zoning Hearing Examiner shall resume the processing of all postponed applications.

27-1703. Applications Pending Prior to the Effective Date of this Ordinance

- (a) Any development application, including a permit application or an application for zoning classification, that is filed and accepted prior to the effective date of this Ordinance may be reviewed and decided in accordance with the Zoning Ordinance and Subdivision Regulations in existence at the time of the acceptance of said application. An application for zoning classification decided after the effective date of this Ordinance must result in a zone set forth within this Ordinance.

27-3601. Zoning Map Amendment (ZMA)

(b) Applicability

The procedures and standards of this Section apply to any amendment to the Official Zoning Map that involves a specific parcel of land (commonly known as a "rezoning").

- (1) Under no circumstance shall a zoning map amendment be approved to reclassify lands wholly or partially within the Safety Zones of the MIO Zone into the following zones: any Transit-Oriented/Activity Center base zone, any Planned Development (PD) zone, or the RMF-12, RMF-20, RMF-48, IE, CGO, CN, or CS zones.
- (2) Under no circumstance shall a zoning map amendment be approved to reclassify lands to any of the following zones: RMH, LCD, LMXC, or LMUTC.
- (3) No application shall be filed requesting more than one zone.

27-4205. Other Base Zones

(a) Zoning of Land to RMH, LCD, LMXC, or LMUTC Zones Prohibited

A Zoning Map Amendment (ZMA) in accordance with Section 27-3601, Zoning Map Amendment (ZMA), or a Sectional Map Amendment (SMA) in accordance with Section 27-3503, Sectional Map Amendment (SMA), shall not change the zoning classification of any land to the Planned Mobile Home Community (RMH) Zone, Legacy Comprehensive Design (LCD) Zone, Legacy Mixed-Use Community (LMXC), or Legacy Mixed-Use Town Center (LMUTC) Zone.

(c) Legacy Comprehensive Design (LCD) Zone

(1) Purpose

The purpose of the Legacy Comprehensive Design (LCD) Zone is to recognize comprehensive design zones established prior to April 1, 2022 for which a Basic Plan, Comprehensive Design Plan (CDP), or Specific Design Plan (SDP) was approved prior to April 1, 2022.

(2) Establishment of Legacy Comprehensive Design (LCD) Zone

The LCD Zone includes all lands located within the following Comprehensive Design zones on April 1, 2022 for which a Basic Plan, CDP, or SDP was approved prior to April 1, 2022, if either 1) the land in the zone is fully developed in accordance with the approved Basic Plan, CDP, or SDP prior to April 1, 2022, or 2) the approved Basic Plan, CDP, or SDP remains valid in accordance with Section 27-1700, Transitional Provisions, on April 1, 2022:

- (A) The Major Activity Center (M-A-C) Zone;
- (B) The Local Activity Center (L-A-C) Zone;
- (C) The Employment and Institutional Area (E-I-A) Zone;
- (D) The Residential Urban Development (R-U) Zone;
- (E) The Residential Medium Development (R-M) Zone;
- (F) The Residential Suburban Development (R-S) Zone;

- (G) The Village-Medium (V-M) Zone;
- (H) The Village-Low (V-L) Zone; and
- (I) The Residential Low Development (R-L) Zone.

(3) Legacy Comprehensive Design (LCD) Zone Standards and Permitted Uses

Development within the LCD Zone shall comply with the applicable approved Basic Plan, CDP, and SDP, and with the standards applicable in the zone listed in Subsections (2)(A) through (2)(I) above in which the development was located prior to April 1, 2022, in accordance with Section 27-1700, Transitional Provisions. Uses permitted in the LCD Zone shall comply with the uses permitted in the zone listed in Subsections 2(A) through 2(I) above in which the development was located prior to April 1, 2022.

(4) Transition Upon Invalidation of Approved Plans

If prior to land in the LCD Zone being fully developed in accordance with an approved Comprehensive Design Plan and Specific Design Plan, the Comprehensive Design Plan or Specific Design Plan become invalid (see Sec. 27-1700, Transitional Provisions), the land shall immediately be placed in the RR Zone until the District Council approves a Zoning Map Amendment for the property. No applications for development approvals or permits shall be accepted, reviewed, or acted upon in accordance with Division 27-3: Administration, in the period of time prior to the District Council's decision on a Zoning Map Amendment (ZMA) application.]

CONCLUSIONS OF LAW

(1) The Application must be found to comply with the above referenced requirements of Section 27-195 and the purposes of the R-S Zone found in Section 27-511. Compliance with each provision of law will be addressed seriatim.

(2) The request meets the criteria for approval found in Section 27-195(b)(1)(A) (i) of the Zoning Ordinance since it conforms to the specific recommendation of the 2013 Subregion 5 Master Plan's Future Land Use Map that designates property in the R-E, R-R and R-S Zones for Residential Low land use and defines these as *primarily* single family detached dwellings; the Master Plan mentions the approved preliminary plan for the Estates of Pleasant Valley which covers most of the site and directed that much of the future residential development occur there; the Master Plan notes that the overall proposed density for Residential Low uses should fall within the range of 2.7-3.5 dwelling units per acre; and the request falls within that range there will be no development on portions of the site that are not located in the Future Water and Sewer Service Category or are not in Category 4; and the intent of the Environmental Infrastructure Section of the 2013 Master Plan is met since the 20% woodland conservation threshold shown on the Basic Plan would only be slightly lower than that which would be provided under existing zoning. (There is no requirement that the use also satisfy Sections 27-195 (b)(1)(A)(ii) or (iii))

(3) Section 27-195(b)(1)(B) is inapplicable since no commercial uses are proposed.

(4) The site may generate as many as 4,869 additional vehicular trips. Transportation facilities will be addressed again at subdivision, but Applicant has shown, and Staff

agreed, that they will be adequate once certain mitigation efforts required by the Brandywine Road Club are addressed by Applicant, and once the anticipated transit facility between the Branch Avenue Metro and Charles County is completed. (Section 27-195(b)(1)(C))

(5) Other public facilities are adequate (libraries and fire facility) or, in the case of schools, will be once appropriate surcharges are paid at the time of preliminary plan of subdivision review. Police facilities are not mentioned within subsection (1)(D) but the record addressed the fact that Applicant may either seek waiver from the adequacy test for police via Council Resolution, or other mitigation may be needed. Most of the site is within Water and Sewer category 4 (Community System Adequate Development Planning). Staff believes two parcels may be in Category 5, although Applicant disputes this. Nonetheless, all agree that development will not take place on any portion of the site that lies within Category 5. (Section 27-195(b)(1)(D))

(6) The environmental relationships reflect compatibility between the requested uses and surrounding uses, and promotes the public health, safety and welfare of the present/future inhabitants of the Regional District since the detached housing will abut existing or proposed single family on adjoining properties, the site is well buffered from adjoining properties, the townhouses will be separate from other residential uses by the PEPCO transmission lines and environmental features, 20% of woodland will be preserved on site, and great effort will be taken to preserve the Burch Branch. (Section 27-195(b)(1)(E))

(7) All construction is anticipated to occur within six (6) years of approval. (Section 27-195(b)(2))

(8) The Property is not located in the L-A-C, V-M or V-L Zones. (Sections 27-195(b)(3) and (4))

(9) The requested use also satisfies the purposes of the R-S Zone found in Section 27-511 of the Zoning Ordinance for the reasons noted by Mr. Del Balzo, *supra*. Additional density is dependent upon the public benefit features provided; the Application will provide a quality residential environment; and development satisfies the Residential Low development envisioned in the Plan and in the R-S Zone. Attached dwellings will be separated from single-family detached dwellings on properties adjacent to the subject property. Amenities are provided throughout the site. The pristine Burch Branch and other environmental features are to be preserved. Housing at this location may stimulate commercial growth at the Local Town Center that is relatively close to this site and ensure the viability of existing commercial businesses.

(10) I now address Applicant and Staff's belief that the LCD Zone should be approved for the subject property. Pursuant to the general tenets of statutory construction, all provisions must be read in a manner that is reasonable, that will not render any portion thereof nugatory, and will, if possible, further the intent of the legislative body. Clear and

express language must be followed. As noted by the Court of Appeals in Polonski v. Mayor & City Council of Baltimore, 344 Md. 70, 75-76 (1996):

Where the legislative will is not apparent from the language of the statute, we employ the canons of statutory construction to guide our inquiry.... When, however, the language of the statute is clear, further analysis of legislative intent is not required..., and we give the words of the statute their ordinary and common meaning within the context in which they are used ..., while keeping in mind the overall purpose of the act being construed....

(11) Applicant filed its request for the R-S Zone in a timely manner and the Technical Staff and the Planning Board were able to forward their recommendations that the request be approved prior to the Planning Board's endorsement of the Countywide Map Amendment. This Examiner held a hearing prior to said endorsement but was not able to issue a decision prior thereto. Once the endorsement was forwarded to the County Council all hearings were tolled until after the District Council's final action on the Countywide Map Amendment.

(12) On November 29, 2021 the District Council adopted CR-136 -2021 thereby enacting the Countywide Map Amendment but holding its effective date until April 1, 2022. At that point the Applicant asked that the Examiner's review of its Application be continued but asked that the LCD Zone be considered in lieu of the R-S Zone, since the R-S Zone would not be carried over in the 2022 Supplement of the Zoning Ordinance. Applicant and the Technical Staff submitted exhibits noting that each believed that it would be proper to request the new zone since the new Section 27-1703 allowed the application to be considered utilizing the provisions of the 2019 Edition of the Zoning Ordinance, and Section 27-3601 (b) would, therefore, not apply.

(13) I believe that applying the statutory construction canons in the manner noted *supra* (reading all the sections together and honoring the express provisions) requires me to conclude that the R-S Zone may be imposed, but the LCD Zone may not. The Council noted in two separate, express provisions of the recently revised Zoning Ordinance (Sections 27-3601 (b)(2) and 27-4205 (a) and (c)) that, going forward, the LCD Zone may **not** be implemented via a piecemeal rezoning request (such as the instant Application) or a Sectional Map Amendment, and that the purpose of the LCD Zone is to recognize Comprehensive Design Zones for which a Basic Plan, Comprehensive Design Plan or Specific Design Plan was **approved** prior to April 1, 2022. One would have to ignore the clear language in these sections to impose the LCD Zone at this point since it was not done as part of the CMA , and since the District Council did not have the opportunity to approve any plan for the R-S Zone prior to April 1, 2022- both because the Application was not before it and because the new provisions of the Zoning Ordinance were not enacted in a manner to apply them retroactively and therefore had no effect until April 1, 2022.

(14) The fact that the LCD Zone cannot be imposed will have no true impact on the Applicant's request since, for all practical purposes, the zones are equivalent. As noted, *supra*, the new provisions governing the LCD Zone only require that development comply with the zone and use standards for the R-S Zone found in the 2019 Edition of the Zoning Ordinance. I believe the District Council can still approve the R-S Zone because the language in Section 27-1703 is not as clear as the two sections noted above, and can therefore, be "interpreted" and the Section be rendered nugatory unless it is interpreted to allow an Applicant that started its quest to rezone to the R-S Zone over two years ago (far in advance of the adoption of the CMA), to finally have it considered and decided by the District Council. ⁴

RECOMMENDATION

APPROVAL of A-10060, subject to the following Development Data and all other information shown on the Basic Plan submitted that requested the R-S Zone (Exhibit 44):

DEVELOPMENT DATA TABLE

Gross Tract Area	289.36ac.
Mattawoman Floodplain	32.75.ac.
½ Floodplain	16.38ac.
Net Tract Area*	272.98ac.
*Net Tract Area- Gross Tract Area-1/2 Floodplain	
R-S Base Density	272.98ac@2.7 DU/ac. 737 Units
R-S Max. Density	272.98@3.5 DU/ac. 955 units

Parcel Identification Table

Tax					
Map	Grid	Parcel	Parcel ID	Street Address	Liber Folio
144	C2	110	11-1182534	6301 Floral Park Rd. Brandywine MD 20613	43180 565
144	C2	143*	11-1140235	6315 Floral Park Rd. Brandywine MD 20613	43180 565
144	C2	37*	11-1174572	6405 Floral Park Rd. Brandywine MD 20613	43180 565
144	C2	66	11-1189125	6411 Floral Park Rd. Brandywine MD 20613	43180 565
144	C4	157	11-1161199	6600 Floral Park Rd. Brandywine MD 20613	37115 531
144	C4	86	11-1189190	6500 Accokeek Rd. Brandywine MD 20613	37115 531
144	C4	188	11-1189182	6306 Accokeek Rd. Brandywine MD 20613	37115 531
144	B3	236*	11-5528410	No Address per SDAT	43180 565

*Parcels have been added since previous application.

This application includes the following Lots in the Littleworth Subdivision (Plat Book SDH 3 Plat No. 86):

Note: There are no block designations for the Littleworth Subdivision.

Tax					
Map	Grid	Parcel	Parcel ID	Street Address	Liber Folio
144	D3	Lots 45, 46 & 47	11-1189091	6920 Accokeek Rd. Brandywine MD 20613	43180 565
144	D3	Lots 45, 46 & 47	11-1137017	6910 Accokeek Rd. Brandywine MD 20613	43180 565
144	D4	Lots 61&Part of			

⁴ The last sentence in Section 27-1703(a) cannot be applied since the LCD Zone may not be imposed via a piecemeal application.

		Lots 62-66	11-1137025	6940 Accokeek Rd. Brandywine MD 20613	37115	531
144	D4	Part of Lots 62-66	11-1189109	6900 Accokeek Rd. Brandywine MD 20613	37115	531
144	D2	Part of Lot 44	11-1189141	6980 Accokeek Rd. Brandywine MD 20613	43180	565
144	D2	Parts of Lots 43&44	11-1189323	13535 Brandywine Rd. Brandywine MD 20613	43180	565

November 14, 2023

D.R. Horton, Inc.
181 Harry S. Truman Parkway, Suite 250
Annapolis, MD 21401

Re: Notification of Planning Board Action on
Comprehensive Design Plan CDP-22001
Saddle Ridge

Dear Applicant:

This is to advise you that, on **November 9, 2023**, the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board, pursuant to the Transitional Provisions of Section 27-1700 of the Prince George's County Zoning Ordinance and in accordance with the attached Resolution.

Pursuant to Section 27-523 of the prior Zoning Ordinance, the Planning Board's decision will become final 30 calendar days after the date of this final notice (**November 14, 2023**) of the Planning Board's decision, unless:

1. Within the 30 days, a written appeal has been filed with the District Council by the applicant or by an aggrieved person that appeared at the hearing before the Planning Board in person, by an attorney, or in writing and the review is expressly authorized in accordance with Section 25-212 of the Land Use Article of the Annotated Code of Maryland; or
2. Within the 30 days (or other period specified by Section 27-291 of the prior Zoning Ordinance), the District Council decides, on its own motion, to review the action of the Planning Board.

Please direct any future communication or inquiries regarding this matter to Ms. Donna J. Brown, Clerk of the County Council, at 301-952-3600.

Very truly yours,
James R. Hunt, Chief
Development Review Division

By: Dominique Lockhart
Reviewer

Attachment: PGCPB Resolution No. **2023-108**

cc: Donna J. Brown, Clerk of the County Council
Persons of Record

RESOLUTION

WHEREAS, a new Zoning Ordinance, Subtitle 27, Prince George’s County Code went into effect on April 1, 2022; and

WHEREAS, the subject property is within the Legacy Comprehensive Design Zone (LCD); and

WHEREAS, the applicant, D.R. Horton, Inc., submitted an application for approval of a comprehensive design plan; and

WHEREAS, pursuant to Section 27-1704(h) of the Zoning Ordinance, property in the LCD Zone may proceed to develop in accordance with the standards and procedures of the prior Zoning Ordinance; and

WHEREAS, therefore, the Prince George’s County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed this application under the Zoning Ordinance in existence prior to April 1, 2022; and

WHEREAS, in consideration of evidence presented at a public hearing on October 19, 2023, regarding Comprehensive Design Plan CDP-22001 for Saddle Ridge, the Planning Board finds:

1. **Request:** This comprehensive design plan (CDP) approves development of up to 621 single-family detached and up to 333 single-family attached units, for a total of 954 dwelling units.

2. **Development Data Summary:**

Zone(s)	LCD (Prior R-S)
Gross tract area	289.36 acres
100-year floodplain	33.24 acres
Net Comprehensive Design Zone (CDZ) Area*	272.74 acres
Density permitted	2.7 to 3.5 du/ac
Base density of the prior R-S-zoned property (2.7 du/ac x 289.36 acres less 50% of the floodplain) in terms of number of dwelling units**	736
Maximum density (3.5 du/ac x 289.36 acres less 50% of the floodplain) in terms of number of dwelling units**	954
Approved maximum density 3.5 du/ac x 289.36 acres (less 50% of the floodplain) in terms of dwelling units	954

Notes: *Per Section 27-486(a) of the prior Prince George's County Zoning Ordinance, residential density determinations in the Residential Suburban Development (R-S) Zone shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain.

**At the time of the basic plan, the area of the floodplain was 32.75 acres. The net tract area at the time was 272.98 acres ($289.36 - 16.37 = 272.98$). The result was a base density of 737 units and a maximum density of 955 units. The approved site plan shows a slight increase in the floodplain area to 33.24 acres. The net tract area at this time is 272.74 acres ($289.36 - 16.62 = 272.74$). This results in a base density of 736 units and a maximum density permitted of 954 units.

3. **Location:** The subject 289.36-acre property is located on the north side of MD 373 (Accokeek Road), approximately 2,500 feet east of its intersection with McKendree Road, in the southern portion of Prince George's County.
4. **Surroundings:** The subject site is bounded to the north by Floral Park Road, with single-family dwellings in the Residential, Rural (RR) Zone beyond; to the east by undeveloped land in the Residential Estate (RE) Zone; to the south by MD 373, with single-family dwellings in the RR Zone beyond; and to the west by single-family dwellings in the RE Zone. The property is also divided into two development areas, the northern and southern development areas, which are separated by an existing Potomac Electric Power Company (PEPCO) high tower power line easement.
5. **Previous Approvals:** Portions of the property have been used for surface mining operations permitted by special exception and listed below. The property has been cleared of the mining operation and the majority of the site remains wooded. The following applications were previously approved for the subject property:

In 1966, the Prince George's County District Council approved Special Exception SE-1299, which approved a sand and gravel mine on a larger tract of land that included the subject property.

In 1967, the District Council approved SE-1589, SE-1590, and SE-1593, which were requested by the Washington Gas Light Company for three separate parcel areas for gas storage field operations. No conditions were required for these special exceptions. Further information can be found in Zoning Resolution Nos. 444-1967, 445-1967, and 450-1967.

In 1976 and 1992, the District Council approved SE-2903 and SE-4043. The applications were requested by Lone Star Industries for several parcels for sand and gravel mining operations. No conditions were required for these special exceptions.

In the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), the subject property was retained in the Residential-Estate (R-E) and Rural Residential (R-R) Zones.

The subject property was the subject of Zoning Map Amendment (Basic Plan) A-10060, which was recommended for approval by the Prince George's County Planning Board pursuant to PGCPB Resolution No. 2021-92, adopted on July 29, 2021. The basic plan associated with A-10060 requested that the property be rezoned from the prior R-R and R-E Zones to the prior R-S Zone. The evidential hearing was held before the Zoning Hearing Examiner (ZHE) on October 27, 2021, and the record was closed. On October 28, 2021, the Planning Board endorsed the Countywide Sectional Map Amendment (CMA). As a result, and pursuant to Section 27-1905(c)(1) of the prior Zoning Ordinance, on November 8, 2021, the ZHE issued a notice advising that A-10060 was postponed until such time that the District Council takes final action on the CMA. On November 29, 2021, the Prince George's County Council adopted Prince George's County Council Resolution CR-136-2021; thereby approving the CMA, with an effective date of April 1, 2022.

Consequently, on December 20, 2021, pursuant to Section 27-1905(c)(2) of the prior Zoning Ordinance, the applicant and owner sent timely notice to ZHE of their intention to proceed with A-10060. The Maryland-National Capital Park and Planning Commission (M-NCPPC) confirmed that A-10060 would proceed pursuant to the transitional provisions provided in Section 27-1703(a) of the Zoning Ordinance, which allowed the zoning request to be reviewed and decided under the current Zoning Ordinance.

The CMA took effect on April 1, 2022, and on September 19, 2022, the District Council adopted a motion for preparation of an order of approval, to rezone the property to the Legacy Comprehensive Design (LCD) Zone since A-10060 was allowed to proceed after the effectuation of the CMA, but was required to result in a zone set forth in the new Zoning Ordinance. The District Council's Order of Approval (Zoning Ordinance No. 9-2022) was enacted on October 17, 2022. Subsequently, ZHE certified the basic plan on November 22, 2022. Pursuant to Section 27-4205(c)(3) of the Zoning Ordinance, the requirements of the prior R-S Zone now apply.

The density range permitted with the basic plan was 737 to 955 dwelling units. This calculation was determined by Section 27-486(a). Residential density determinations, in the prior R-S Zone, shall be based on an average number of dwelling units per gross acre, minus 50 percent of the density attributed to any land located within a 100-year floodplain. The gross acreage is 289.36 acres and the area of 100-year floodplain was 32.75 acres, 50 percent of which is 16.38 acres. Therefore, the net comprehensive design zone area is 272.98 acres. The R-S Zone permits a base density of 2.7 dwelling units per acre, and a maximum density of 3.5 dwelling units per acre.

The area of the floodplain, at the time of the basic plan, was 32.75 acres. The current site plan shows a slight increase in the floodplain area to 33.24 acres. The net tract area at this time is 272.74 acres ($289.36 - 16.62 = 272.74$). This results in a base density of 736 units and a maximum density permitted of 954 units.

6. **Design Features:** The subject CDP fronts along Floral Park Road to its north and MD 373 to its south. Five distinct pods of development have been approved. Pod A, located north of the PEPCO transmission line, was approved to be developed with single-family dwelling units (duplexes), recreation amenities, trail connections, and two vehicular access points to Floral Park Road. Pod B was approved to remain undeveloped, in accordance with the approved Basic Plan (A-10060), to reduce the number of stream crossings and to preserve the existing environmental features to a greater extent. Pod C was approved to be developed with single-family detached and attached dwelling units, recreation amenities, and trail connections. Pod C will feature the primary recreational features of the southern Pods (C, D, and E). Pod D was approved to be developed with single-family detached dwellings with access from MD 373. Pod E is a separate pod that has its own direct access from MD 373, located west of the Burch Branch Stream, and linked to the community by a pedestrian trail connection. Single-family detached dwellings are approved for this area, as it is adjacent to an existing residential neighborhood of the same character.

All pods are stated to include various open spaces and several sites for passive and active recreation areas, which will be determined and evaluated, at the time of specific design plan (SDP). The potential recreation amenities may include a community clubhouse, dog park, fitness areas, walking trails, gardens, and various seating areas to promote gatherings.

The phasing plan consists of five phases of development. In each stage, a specific number of residential units and types have been identified, along with amenities and recreational facilities. The phasing plan and the recreation facilities are preliminary in nature and will be fine-tuned with the progression of the development.

Development Standards

This CDP also includes development guidelines governing the development of this project, including bulk standards for the single-family detached and attached units. Modifications to the standards can be granted by the Planning Board and/or the District Council, on a case-by-case basis, with the approval of an SDP.

Single-Family Detached Units

Minimum Net Lot Area	4,000 square feet
Minimum Front Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Side Yard Setback (one side/combined)	5 feet/10 feet
Minimum Lot Width at Front Street Line	40 feet
Minimum Lot Width at Front BRL	40 feet
Minimum Frontage on Cul-De-Sac	30 feet
Maximum Height	40 feet
Maximum Building Coverage	40%

Single-Family Attached (Townhouse) Units

Minimum Net Lot Area	1,800 square feet
Minimum Front Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Side Yard Setback (one side/combined)	0 feet
Minimum Lot Width at Front Street Line	20 feet
Minimum Lot Width at Front BRL	20 feet
Minimum Frontage on Cul-De-Sac	20 feet
Minimum Space between End Buildings	10 feet
Maximum Height	40 feet
Maximum Building Coverage	65%

Single-Family Attached (Duplex) Units

Minimum Net Lot Area	1,800 square feet
Minimum Front Yard Setback	15 feet
Minimum Rear Yard Setback	15 feet
Minimum Side Yard Setback (one side/combined)	0 feet
Minimum Lot Width at Front Street Line	24 feet
Minimum Lot Width at Front BRL	24 feet
Minimum Frontage on Cul-De-Sac	24 feet
Minimum Space between End Buildings	10 feet
Maximum Height	40 feet
Maximum Building Coverage	50%

Other Design Standards

A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. There shall also be no more than six townhouses per building group in any comprehensive design zone, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six dwelling units (but not more than eight dwelling units) would create a more attractive living environment or would be more environmentally sensitive. In no event shall the number of building groups containing more than 6 dwelling units exceed 20 percent of the total number of building groups in the SDP, and the end units on such building groups shall be a minimum of 24 feet in width. In no event shall there be more than nine dwelling units in a

building group. Highly visible end units for dwellings will provide additional design and finish treatments and shall be determined, at the time of SDP approval.

The approved development standards that will govern this development are generally acceptable because they are consistent with the master plan's recommendations for this property. Specifically, the Subregion 5 Master Plan and SMA envisions lower density single-family neighborhoods with an emphasis on protection and preservation of environmentally sensitive areas.

Green Building Techniques

A development project of this large scale, with multiple phases, has numerous opportunities to apply green building and sustainable site development techniques to achieve green building certification and environmental excellency. The applicant should apply those techniques, as practical, at the time of SDP. A condition has been included herein, requiring the applicant to provide green building techniques at the site, with the submittal of the SDP.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-10060:** The District Council approved Basic Plan A-10060 on October 17, 2022, for development of up to 955 single-family detached and attached dwelling units, in the prior R-S Zone, with no conditions. The subject CDP approves a maximum of 954 dwelling units, due to the increase in the floodplain area.
8. **Prince George's County Zoning Ordinance:** This application has been reviewed for conformance with the requirements of the prior Zoning Ordinance, governing development in the R-S Zone, as follows:
 - a. **Uses**—The R-S Zone, which is one of nine comprehensive design zones, is envisioned as a moderate-density suburban residential zone, that will provide flexibility and imaginative utilization of the land, to achieve a balanced and high-quality residential development that cannot be achieved through conventional zoning designation. The general principle for land uses in this zone is that uses should be either residential in nature, or necessary to serve the dominant residential uses. In accordance with Section 27-515(b) of the prior Zoning Ordinance, the approved residential uses consisting of both single-family detached and attached dwelling units are permitted in the R-S Zone, pursuant to the approved basic plan.

The following section discusses the purposes of the R-S Zone.

Section 27-511. – Purposes.

(a) The purposes of the R-S Zone are to:

- (1) Establish (in the public interest) a plan implementation zone, in which (among other things):**
 - (A) Permissible residential density is dependent upon providing public benefit features and related density increment factors;**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, Sector Plan, public urban renewal plan, or Sectional Map Amendment Zoning Change; and**
 - (C) Applicable regulations are satisfied for uses authorized pursuant to Section 27-515(b) of this Code.**

The development of the site as an R-S-zoned property allows a density of 2.7 to 3.5 dwelling units per acre. Public benefit features are approved, in order to achieve density above 2.7 dwelling units per acre. As stated above, the location of the zone is in conformance with the standards of the Subregion 5 Master Plan and SMA and the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035). Section 27-515(b) permits residential dwellings in the R-S Zone. The approved CDP meets the requirements of this purpose.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, Sector Plans, public urban renewal plans, or Section Map Amendment Zoning Changes) can serve as the criteria for judging individual development proposals;**

The approved CDP meets this purpose, as this property was rezoned to the R-S Zone and conforms with the approved amended basic plan and the Subregion 5 Master Plan and SMA.

- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

The area immediately surrounding the subject site is composed of undeveloped land and single-family detached residences. The application

includes a conceptual layout for both single-family attached and detached dwellings. The townhouses and duplexes in the conceptual layout are shown either interior to the development, or near the periphery of the property where they are separated from adjoining uses by PEPCO transmission lines and/or natural features. Public facilities are present and will be further tested, at the time of preliminary plan of subdivision (PPS). Private recreational facilities are also shown throughout the development.

The development is situated in the larger Brandywine community, where further residential development will help to stimulate the commercial businesses in the area. To support the residential-low land use suggested by the Subregion 5 Master Plan and SMA, but also allow the flexibility allowed by comprehensive design zones, a varied housing stock is appropriate. This will ensure a more integrated layout, with both single-family detached and attached dwelling units of varying lot sizes, which will provide for a varied ownership interest that will support an integrated development. The conceptual layout exhibits compatibility with existing and surrounding land uses and is found to promote the health, safety, and welfare of the present and future inhabitants of the regional district.

(4) Encourage amenities and public facilities to be provided in conjunction with residential development;

The CDP meets this purpose of the R-S Zone, as the project incorporates public benefit features into the development and receives density bonuses in return. The public benefit features requested and supported include approximately 36 acres of open space recreational facilities and a pedestrian trail system. The requested public benefit features are discussed in more detail below, in subsection (b).

(5) Encourage and stimulate balanced land development;

The development of the site is purely residential in nature, which will help to stimulate the economic activity of the Brandywine community. The approved development will offer a set of housing types and lot sizes that are unique to the surrounding zones, thereby encouraging varied yet balanced land development. The approved housing types include single-family detached dwellings, townhouses, and duplexes.

(6) Improve the overall quality and variety of residential environments in the Regional District; and

According to the Subregion 5 Master Plan and SMA, the subject property is intended for larger lot sizes and less density. Development of the property will improve the overall quality and variety of surrounding residential environments by allowing density and lot sizes that will help to preserve natural features on-site, such as the Burch Branch Stream, and wooded and open space areas. The approved CDP will address flood mitigation and preservation of natural assets such as tree canopy, riparian buffers, and wetlands through various site design features. The existing environmental features of the site are shown to be protected, to the greatest extent possible, and be visually integrated into the residential spaces as part of the community and surrounding neighborhoods.

(7) Allow qualifying properties in the R-S Zone to develop with uses in the E-I-A Zone pursuant to Section 27-515(b) of this Code.

All approved uses are permitted in the R-S Zone. The development is not associated with uses pertinent to the Employment and Institutional Area (E-I-A) Zone. Therefore, this purpose does not apply.

- b. **Density Increments**—The subject site is in the LCD Zone and previously in the R-S Zone, which has specific density requirements and factors that can be utilized to increase density, subject to development caps established in the basic plan. In the R-S Zone, in accordance with Section 27-513 of the prior Zoning Ordinance, the base density is 2.7 dwelling units per acre and the maximum density is 3.5 dwelling units per acre. The approved 954 dwelling units are at a density of 3.5 dwelling units per acre, which is above the base density, but still within the maximum allowed density.

To achieve a density that is above the base density, the applicant has included public benefit features and density increment factors. Per Section 27-486(d) of the prior Zoning Ordinance, “Increments shall not be allowed for any improvement which is required to be made by the developer (by other laws or regulations).” All requested public benefit features have been evaluated according to this regulation. The applicant has included public benefit features and density increment factors, as stipulated in Section 27-513(b) of the prior Zoning Ordinance, as follows:

(b) Public Benefit Features and Density Increment Factors.

- (1) For open space land at a ratio of at least 3.5 acres per 100 dwelling units (with a minimum size of 1 acre), an increment factor may be granted, not to exceed 25% in dwelling units. (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property.)**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a 25 percent

increase in dwelling units. The applicant will provide 26 acres of permanent open space. This open space qualifies the applicant for an increment factor of up to 25 percent in dwelling units. Thus, a total of 184 additional dwelling units can be achieved by utilizing this density increment factor.

The applicant provided an exhibit showing the location and area of the open space used for this density increment. The Planning Board supports this density increment factor as requested, with an increase of 25 percent in dwelling units.

- (2) **For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosion action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5% in dwelling units.**

The applicant did not request a density increment using this factor.

- (3) **For a pedestrian system separated from vehicular rights-of-way, an increment factor may be granted, not to exceed 5% in dwelling units.**

The applicant requested a density increment using this factor, with this CDP. The maximum amount that can be requested is a five percent increase in dwelling units. The applicant will construct approximately 5,040 linear feet of trails throughout the community, in excess of the approximately 3,550 linear feet of the master-planned Burch Branch Trail. A total of 36 dwelling units can be achieved by using this density increment factor.

- (4) **For recreational development of open space (including minimum improvements of heavy grading, seeding, mulching, utilities, off-street parking, walkways, landscaping, and playground equipment), an increment factor may be granted, not to exceed 10% in dwelling units.**

The applicant did not request a density increment using this factor.

- (5) **For public facilities (except streets and open space areas) an increment may be granted, not to exceed 30 percent in dwelling units.**

The applicant did not request a density increment using this factor.

- (6) **For creating activity centers with space provided for quasi-public services (such as churches, day care center for children, community meeting rooms, and the like), a density increment factor may be granted, not to exceed 10 percent in dwelling units.**

The applicant did not request a density increment using this factor.

- (7) **For incorporating solar access or active/passive solar energy in design, an increment factor may be granted, not to exceed 5 percent in dwelling units.**

The applicant did not request a density increment using this factor.

In summary, the applicant has conceptually provided density increments based on Criteria (1) and (3), as noted above. The Planning Board approved both requested density increments, which results in a potential total of 220 additional dwelling units. When added to the base density of 736 units, the resulting 956 dwelling units would exceed the maximum 954 dwelling units allowed. Therefore, the subject application approves a maximum of 954 dwelling units, or 218 dwelling units above the base density.

Factor Number	Density Increment (%)	Density Increment (# of units)
1	25	184
3	5	36
Total		220

- c. **Development Standards**—A comprehensive set of development standards for residential uses, including single-family detached and attached dwelling units, have been provided with this CDP, as discussed in Finding 6 above. In addition to the development standards, development within the R-S Zone must also comply with additional regulations, as stated in Section 27-513(d) of the prior Zoning Ordinance, as follows:

(d) **Other regulations.**

- (1) **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The approved CDP is consistent with this requirement. The single-family detached development areas are conceptually shown with frontage on and direct vehicular access to a public street. Single-family attached development areas are conceptually shown with a network of private streets and alleys, which will be further reviewed in accordance with Subtitle 24 of the Prince George's County Code, at the time of PPS.

- (2) **Additional regulations concerning development and use of property in the R-S Zone are as provided for in Divisions 1, 4, and 5 of this Part, General (Part 2), Off-Street Parking and Loading (Part 11), Signs (Part 12), and the Landscape Manual.**

The CDP shows parking, in accordance with the requirements for residential parking. Parking, signage, and landscaping will be fully analyzed with the future SDP application.

- (3) **Notwithstanding any other requirement of this Subdivision, the types of dwelling units permitted shall be limited to one-family detached and attached dwellings. No more than thirty-five percent (35%) of the total number of dwelling units shall be attached units; however, the restrictions for attached dwelling units of this subsection, above, shall not apply to Mixed Retirement Development in the R-S Zone.**

Basic Plan A-10060 approved a maximum of 955 dwelling units containing a mix of detached and attached dwelling units. The subject CDP approves a maximum of 954 dwelling units, due to the increase in the floodplain area.

As approved, the residential development is noted to consist of up to 621 single-family detached units, up to 170 single-family attached townhouse units, and up to 163 single-family attached duplexes. The total unit count adds up to a maximum of 954 dwelling units. In addition, the approved attached dwelling units make up a total of 34.9 percent of the total development, which complies with the maximum 35 percent threshold allowed.

- (4) **Notwithstanding any other provision of this Subtitle, a grading permit to support the development of uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be issued so long as it is in conformance with an approved Comprehensive Design Plan.**

This regulation is not applicable, as the CDP does not include any uses permitted in the prior E-I-A Zone.

- (5) **Notwithstanding the provisions of Section 27-123 of this Code, the minimum standards set forth in the Landscape Manual for landscaping, buffering, and screening for all uses permitted in the E-I-A Zone on land in the R-S Zone pursuant to Section 27-515(b) may be modified by the approved Comprehensive Design Plan.**

This regulation is not applicable, as the CDP does not include any uses permitted in the prior E-I-A Zone.

- d. Section 27-521 of the prior Zoning Ordinance requires the Planning Board to find conformance with the following findings, for approval of a CDP:

- (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

As discussed in Findings 5 and 7 above, the overall site was rezoned by the District Council in October 2022, from the R-E and R-R Zones to the R-S or LCD Zones, through Basic Plan A-10060, with no conditions.

The approved CDP is in conformance with the governing basic plan for development types, quantities, and general spatial relationship among the different types of residential dwellings.

- (2) **The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The flexibility inherent in comprehensive design zones, such as the prior R-S Zone, will allow the applicant to produce a much better environment and achieve high standards for the development than in regular Euclidean zones. This CDP creates a better environment when compared to existing development in the surrounding area. Urban design elements imposed in a suburban setting, the preservation of environmental features (and the views into them), recreational trails, and accessible recreational areas create a development that would satisfy the needs of residents and guests on the subject property.

The approved CDP will have approximately 26 acres of the property preserved in green open space, including regulated environmental features (REF), by using a compact urban development pattern. This fusion of urban-and suburban-style development cannot be achieved under Euclidean zoning regulations designed solely for suburban settings.

- (3) **Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

Approval is warranted because the CDP includes design elements and a land use vision that are consistent with the approved basic plan. The CDP does include bulk standards for the approved single-family detached and attached dwelling units, as discussed in Finding 6 above. The CDP shows careful consideration for the environmental features on the subject property which includes the Burch Branch Stream Valley within the Piscataway Creek Watershed, on-site recreation, and the Burch Branch Trail alignments. It is expected that future residents of the subject development will use facilities in the Accokeek-Brandywine region. Nearby park facilities include the undeveloped Floral Park Road Park, located west of the subject site across Floral Park Road; Accokeek East Park, located approximately 3.5 miles west of Saddle Ridge; and the Southern Area Aquatics and Recreation Complex (SAARC) approximately 3.8 miles to the east. The Saddle Ridge development site is also adjacent to a 67-acre undeveloped park property known as Pleasant Springs Park, to the east on MD 373.

Further evaluation of the urban design elements will be evaluated, at the time of SDP. The Planning Board approved this CDP because it includes various housing types, multiple locations for recreational facilities, and amenities that are consistent with the approved basic plan, subject to conditions included herein.

(4) The proposed development will be compatible with existing land uses, zoning, and facilities in the immediate surroundings;

The approved development is compatible with existing and land uses, zoning, and facilities in the immediate surroundings. The surrounding area is generally a mix of undeveloped land and single-family detached dwellings, on lots ranging from 0.5 acre to 2 acres. The residential development, as conditioned, will be compatible with the existing residential environment. The attached housing lots are shown on the CDP illustrative plan to be located either interior to the development or buffered from undeveloped properties, in accordance with the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The combination of a variety of lot sizes, with the smallest lots located to the interior of the development or adequately buffered, will create a transition from any abutting larger lot developments.

In addition, the approved development is purely residential in nature, which will help to stimulate the economic activity of the surrounding Brandywine community. The subject CDP offers a set of housing types and lot sizes that are unique to the surrounding zones, thereby encouraging varied yet balanced land development.

(5) Land uses and facilities covered by the Comprehensive Design Plan will be compatible with each other in relation to:

(A) Amounts of building coverage and open space;

The maximum building coverage approved is 65 percent for the townhomes, 50 percent for the duplexes, and 40 percent for the single-family detached dwellings. The applicant has also requested a public benefit density increment factor through providing approximately 26 acres of open space, of which the Planning Board is in support. The building coverage and open space is compatible with the residential land uses approved, and exact percentages will be determined at SDP.

(B) Building setbacks from streets and abutting land uses; and

The approved mixed residential development features a compact design, while preserving and enhancing the natural environment. The building setbacks for the three housing types were previously discussed in Finding 6. The setbacks for the attached dwelling units are comparable to the standards found in the prior Zoning Ordinance for townhouses in residential base zones. In addition, where applicable, the approved development will conform to the requirements of the Landscape Manual to ensure compatibility with abutting properties.

(C) Circulation access points;

The subject CDP approves two primary access points from Floral Park Road to Development Pod A. The master-planned Burch Branch Trail will connect Pod A, located north of the PEPCO transmission lines, to Pod C. The remaining development pods are accessed via three access points from MD 373. The pods will be further connected through pedestrian trails, sidewalks, and private roadways located throughout the development.

Additional evaluation, analysis, and review of these elements will be carried out, at the time of PPS and SDP reviews.

(6) Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability;

The CDP includes a phasing plan that consists of five stages to fully construct the approved development. The applicant will start the development from the furthest north section of the property, with single-family attached units in Pod A. Phases two through four progresses south to northeast on the property, with development of single-family attached and detached units within Pods C and D. The fifth phase will occur on the southwestern portion of the property, with single-family detached units in Pod E. As compact residential neighborhoods,

each of these sections can exist as a unit, capable of sustaining an environment of continuing quality and stability.

- (7) **The staging of development will not be an unreasonable burden on available public facilities;**

The approved development will be subject to a PPS, at which time adequacy of public facilities will be evaluated and tested. However, at this time, the Planning Board found that the approved development, which is anticipated to be completed in five phases, will not create an unreasonable burden on available public facilities.

- (8) **Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:**

- (A) **The proposed adaptive use will not adversely affect indistinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The CDP does not include an adaptive re-use of an historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

This plan incorporates the applicable design guidelines of Section 27-274 of the prior Zoning Ordinance, and the Planning Board found that the CDP conforms, subject to conditions included herein. The design guidelines will also be fully evaluated, at the time of SDP.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

A Type 1 Tree Conservation Plan, TCP1-012-2023, was submitted with the CDP application and approved.

- (11) **The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5).**

This application area contains REFs, including steep slopes, floodplain, wetlands, streams, and their associated buffers, which comprise the primary management area (PMA).

Impacts to the REFs should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use, orderly and efficient development of the subject property, or are those that are required by County Code for reasons of health, safety, or welfare.

Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management (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 REFs. 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 information submitted on the TCP1 shows impacts to the PMA for new and up-grading of existing road crossings, grading associated with road placement, and utility extensions. All impacts to the PMA and REFs will be further reviewed as part of the PPS application, when more detailed information and an approved SWM concept plan are available.

- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

This provision is not applicable to the subject application because it was not placed in a comprehensive design zone, pursuant to Section 27-226(f)(4) of the prior Zoning Ordinance, regarding a comprehensive design zone being included as part of a sectional map amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

This provision is not applicable to the subject application because this development is not a regional urban community.

9. **2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Prince George's County Tree Canopy Coverage Ordinance:** This CDP has been reviewed for conformance with the 2010 Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) and the Tree Canopy Coverage Ordinance, as follows:
 - a. **Woodland Conservation Ordinance**—This property is subject to 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.

Based on the TCP1, the overall site contains a total of 202.91 acres of net tract woodlands and 29.24 acres of wooded floodplain. The plan shows a clearance of 115.19 acres of on-site woodlands, 2.02 acres of wooded floodplain, and 7.22 acres of off-site woodlands. The subject application uses the prior zoning (R-S) woodland conservation threshold for a requirement of 51.22 acres (20 percent), and the total woodland conservation requirement is 89.29 acres. Currently, the plan and woodland conservation worksheet shows 80.16 acres of on-site preservation, 7.41 acres of reforestation, and 1.72 acres of off-site woodland credits for a woodland conservation provided of 89.29 acres.

The approved TCP1 shows off-site woodlands to meet the requirement. At the time of PPS submission, the applicant shall make an effort to meet the entire woodland conservation requirement on-site.
 - b. **Tree Canopy Coverage Ordinance**—Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit for more than 5,000 square feet of disturbance or gross floor area. Properties in the prior R-S Zone are required to provide a minimum of 15 percent of the gross tract area in TCC. At the time of SDP review, the applicant must demonstrate conformance with the relevant requirements of the Tree Canopy Coverage Ordinance.
10. **Referral Comments:** This application was referred to the following agencies and divisions. The Planning Board has reviewed and adopts referral comments that are incorporated herein by reference and are summarized, as follows:
 - a. **Community Planning**—In a memorandum dated September 06, 2023 (Calomese to Lockhart), pursuant to Section 27-521(a)(1) of the prior Zoning Ordinance, this application conforms to the design guidelines or standards intended to implement the development concept recommended by Basic Plan A-10060. Plan 2035 places this application in the Established Communities Growth Policy Area. The Subregion 5 Master Plan and SMA recommends the future land uses of residential low and residential low-transition on the subject property. Residential low areas are designated for single-family detached suburban development that may have up to 3.5 dwelling units per acre. The subject CDP approves a residential development with a mix of housing types and is consistent with the Subregion 5 Master Plan and SMA.

- b. **Transportation Planning**—In a memorandum dated September 22, 2023 (Patrick to Lockhart), a comprehensive review was provided of the application's conformance with the requirements of previous approvals, the prior Zoning Ordinance, the 2009 *Approved Countywide Master Plan of Transportation*, and the traffic impact analysis (TIA) dated November 1, 2022, summarized as follows:

The Southeast Site Access along MD 373 does not pass the three-tier test for unsignalized intersections. A TIA for the development will be provided, at the time of PPS.

In addition, a memorandum was received from the Site/Road Plan Review Division of the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) dated August 29, 2023 (Lord-Attivor to Hancock), which contains the comments from both DPIE and the Prince George's County Department of Public Works and Transportation (DPW&T). Upon review of the TIA, DPIE and DPW&T identified two intersections to be analyzed for signal warrants. DPIE offered the following statement regarding signalization, "Prior to submitting a permit application, the applicant shall be required to perform a traffic signal warrant analysis at the intersection of Brandywine Road and Floral Park Road." DPW&T identified the intersection of MD 5 (Branch Avenue) and Moores Road to be analyzed for signal warrants. This intersection is under the jurisdiction of the Maryland Department of Transportation State Highway Administration (MDOT SHA); as such, the Planning Board will defer to the operating agency and this will be further evaluated, at the time of the PPS.

Having reviewed the traffic study, one of the areas of concern is queuing along Floral Park Road, as well as high left turn volume from Brandywine Road to Floral Park Road. A new TIA will be submitted, at the time of PPS. An updated TIA reflecting these changes will allow the Planning Board to better determine adequacy, at the PPS stage of development. At the time of PPS, the applicant will be required to demonstrate adequate dedication of 40 feet from centerline along MD 373. Dedication of 30 feet from centerline along Floral Park Road will also be required at time of PPS.

In addition, a conceptual location of the master-planned Burch Branch Trail is shown on the circulation plan providing pedestrian connectivity from MD 373 to Floral Park Road. The planned trail may need to be shifted within the internal circulation network which would impact the public and private right of way. The location of the trail will be evaluated during subsequent development applications. It appears that bicycle and pedestrian movement is facilitated throughout the site while protecting the site's environmental features. At the PPS stage of development, bicycle and pedestrian adequacy will be further evaluated.

- c. **Environmental Planning**—In a memorandum dated September 18, 2023 (Schneider to Lockhart), a review of this CDP application and TCP1-011-2023 was provided, which is summarized herein.

Existing Conditions/Natural Resource Inventory

An approved Natural Resource Inventory Plan (NRI-150-06-01) was submitted with the review package, which was approved on August 19, 2022. The TCP1 shows the required information in conformance with the NRI.

Woodland Conservation

This property is subject to 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. Based on the TCP1, the overall site contains a total of 202.91 acres of net tract woodlands and 29.24 acres of wooded floodplain. The plan shows clearance of 115.19 acres of on-site woodlands, 2.02 acres of wooded floodplain, and 7.22 acres of off-site woodlands. The subject application uses the prior zoning (R-S) woodland conservation threshold for a requirement of 51.22 acres (20 percent), and the total woodland conservation requirement is 89.29 acres. Currently, the plan and woodland conservation worksheet shows 80.16 acres of on-site preservation, 7.41 acres of reforestation, and 1.72 acres of off-site woodland credits for a woodland conservation provided of 89.29 acres.

Specimen trees

The site contains 275 on-site specimen trees with 147 rated in good condition, 36 rated in fair condition, and 6 specimen trees rated in poor condition. A variance request and full evaluation regarding specimen tree removal will be required with the acceptance of a PPS when more detailed information is available.

Regulated Environmental Features

This application area contains REFs including steep slopes, floodplain, wetlands, streams, and their associated buffers which comprise the PMA.

The information submitted on the TCP1 shows impacts to the PMA, are shown for new and up-grading of existing road crossings, grading associated with road placement, and utility extensions. The impacts to the PMA and REFs will be further reviewed as part of the PPS application when more detailed information and an approved SWM concept plan are available.

Stormwater Management

No SWM concept plan or approval letter was submitted with the subject application. A site development concept will be reviewed and approved by DPIE.

Erosion and Sediment Control

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland, as designated by the Maryland Department of Environment, that are afforded special protection under Maryland's anti-degradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams in accordance with the Prince George's Soil Conservation District (SCD) requirements. Redundant erosion and sediment control measures may be required on the grading, erosion, and sediment control plan reviewed by SCD. This Tier II buffer is

shown on the approved NRI and TCP1. The SCD will review the buffer impacts with the future erosion and sediment control plans.

- d. **Subdivision**—In a memorandum dated September 15, 2023 (Diaz-Campbell to Lockhart), the approved development will require a PPS, in accordance with Section 24-107 of the prior Prince George's County Subdivision Regulations, because the development proposal includes the division of land and the construction of multiple dwelling units. A CDP must be approved prior to or concurrently with approval of a PPS for the subject site, pursuant to Section 27-516(a) of the prior Zoning Ordinance. Final plats of subdivision will be required following approval of a PPS before permits may be approved for the subject property.
- e. **Historic Preservation**—In a memorandum dated August 23, 2023 (Stabler, Smith, and Chisholm to Lockhart), a Phase I archeological survey was completed on the 278.09-acre Estates of Pleasant Valley property in September 2007. Three 20th century archeological sites were identified: 18PR915, 18PR916, and 18PR917. Site 18PR915 is the remains of a farmstead dating to the second and third quarters of the 20th century. Site 18PR916 is a late 19th to 20th century barn ruin. Site 18PR917 is an extensive mid-20th century artifact scatter that likely represents contract refuse removal from the Statler Hotel in the District of Columbia in the 1940s and manure spreading subsequent to feeding the mixed refuse to swine. All of these sites were disturbed by their subsequent demolition and no intact archeological deposits or features were noted in the Phase I survey. Therefore, no further work was recommended on the Estates of Pleasant Valley property.

The subject application includes several tracts of land that were not included in the initial Phase I archeology survey. These areas have a moderate probability of containing prehistoric archeological resources. Therefore, a condition has been included herein, requiring the applicant to conduct a Phase I archeology survey on the portions of the property that were not previously surveyed.

The subject property does not contain and is not adjacent to any Prince George's County historic sites or resources. This proposal will not impact any historic sites or historic resources.

- f. **Prince George's County Department of Parks and Recreation (DPR)**—In a memorandum dated August 28, 2023 (Thompson to Lockhart), discussion was provided as follows:

The Subregion 5 Master Plan and SMA indicates that Brandywine has sufficient local parkland to meet the needs through 2030. Nearby park facilities include the undeveloped Floral Park Road Park, located west of the subject site across Floral Park Road; Accokeek East Park, located approximately 3.5 miles west of Saddle Ridge; and the SAARC approximately 3.8 miles to the east. The Saddle Ridge development site is also adjacent to a 67-acre undeveloped park property known as Pleasant Springs Park, to the

east on MD 373. While the subject property is adjacent to M-NCPPC-owned property, there are no current plans for development.

The Burch Branch Stream is a larger tributary and a secondary environmental corridor that is part of the Piscataway Creek Watershed (Subregion 5 Master Plan and SMA page 67). This secondary corridor, identified in the 2017 *Green Infrastructure Plan of the Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan*, is best managed by DPR as land steward experts. Conveyance to M-NCPPC provides the public benefit of improving natural resource conservation in this area. The Land Management and Environmental Stewardship Division recommended conveyance of approximately 90+ acres for park dedication, including woodland conservation area Pod B. The Planning Board supports the placement of woodland conservation easements on lands to be dedicated to M-NCPPC.

- g. **Prince George's County Fire/EMS Department**—At the time of the writing of this resolution, the Fire/EMS Department did not provide any comments.
- h. **Prince George's County Health Department**—In a memorandum dated August 31, 2023 (Adepoju to Shelly), the Health Department noted that a desktop health review of the CDP submission had been completed. Technical comments were provided:
 - (1) Health Department permit records indicate there are no existing carry out/ convenience stores and one grocery food facilities within a half mile radius of this location. Research has found that people who live near an abundance of fast-food restaurants and convenience stores compared to grocery stores and fresh produce vendors have a significantly higher prevalence of obesity and diabetes.
 - (2) Indicate how the project will provide connections to neighboring communities and public transportation.
 - (3) The SDP should include open spaces and “pet friendly” amenities for pets and their owners, such as the dog park, which includes pet refuse disposal stations and would promote proper pet waste disposal resulting in a clean environment.
 - (4) During the construction phases of this project, noise should not be allowed to adversely impact activities on the adjacent properties. Indicate intent to conform to construction activity noise control requirements, as specified in Subtitle 19 of the Prince George's County Code.
 - (5) During the construction phases of this project, no dust should be allowed to cross over property lines and impact adjacent properties. Indicate intent to conform to construction activity dust control requirements, as specified in the 2011 *Maryland Standards and Specifications for Soil Erosion and Sediment Control*.

- i. **Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 11, 2023 (Giles to Lockhart), DPIE offered comments to be addressed as part of the permitting process.
 - j. **Washinton Suburban Sanitary Commission (WSSC)**—At the time of the writing of this resolution, WSSC did not provide any comments.
11. **Community Feedback:** At the time of the writing of the technical staff report for this application, the Prince George's County Planning Department did not receive any written correspondence from the community. On October 19, 2023, the Planning Board held a public hearing for CDP-22001, Saddle Ridge. The public hearing began with a technical staff presentation, followed by an applicant presentation. The applicant and staff were in agreement with all proposed revisions to the conditions of approval, as outlined in Applicant Exhibit 1, with one minor edit to the suggested revision. The revised language was read into the record and is reflected in Finding 8b of this resolution.

During the Planning Board hearing, several residents expressed concerns regarding the location of amenities, transportation facilities, the number of traffic lanes, traffic congestion, emergency services response times, school capacity, and adequate utilities and infrastructure. These items will be reviewed in further detail during subsequent development applications. The applicant provided further testimony to address the concerns raised. Following the discussion, the Planning Board voted to approve CDP-22001 and TCP1-011-2023, subject to conditions as revised by Applicant Exhibit 1 and the correction made in Finding 8b that was read into the record.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED Type 1 Tree Conservation Plan TCP1-011-2023, and further APPROVED Comprehensive Design Plan CDP-22001 for the above-described land, subject to the following conditions:

1. An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.
2. Prior to approval of the associated preliminary plan of subdivision (PPS), Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's 2005 *Guidelines for Archeological Review*, are recommended on the portions of the developing property that were not previously surveyed to determine if any cultural resources are present. The parcels to be surveyed include Parcel 143 (Tax ID 1140235); Parcel 037 (Tax ID 1174572); Parcel 236 (Tax ID 5528410); Parcel 188 (Tax ID 1189182); and the portion of Parcel 110 (Tax ID 1182534) south of the Potomac Electric Power Company right-of way. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations are required, prior to signature approval of the PPS.

3. At the time of specific design plan, the applicant shall submit a list of sustainable site and green building techniques that will be used in the development and will be included in the design guidelines.
4. Prior to approval of the associated final plat, 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 archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Prince George's County Planning Department archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
5. Prior to approval of a building permit for each single-family detached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated of \$1,472 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement, or the Prince George's County Department of Public Works and Transportation.
6. Prior to approval of a building permit for each single-family attached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated of \$1,338 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement, or the Prince George's County Department of Public Works and Transportation.
7. At the time of preliminary plan of subdivision, the applicant shall coordinate with the Prince George's County Department of Parks and Recreation on the exact acreage of the Burch Branch Stream Valley, the adjacent woodlands/forests, and Pod B to be conveyed to The Maryland-National Capital Park and Planning Commission, which may include Woodland and Wildlife Habitat Conservation Ordinance easements for on-site conservation.
8. The timing of construction of the master-planned trails shall be determined with the approval of the specific design plan.
9. Upon receipt of the Phase I report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, a plan for evaluating the resource at the Phase II level, the Phase III level, or avoiding and preserving the resource in place shall be provided, prior to Prince George's County Planning Board approval of the final plat. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.

CONSIDERATIONS

1. At the time of specific design plan, the applicant shall evaluate an appropriate location(s) for a dog park and dog waste stations.
2. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

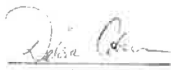
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo, and Shapiro voting in favor of the motion at its regular meeting held on Thursday, October 19, 2023, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of November 2023.

Peter A. Shapiro
Chairman


By Jessica Jones
Planning Board Administrator

PAS:JJ:DL:rpg


Approved for Legal Sufficiency
M-NCPPC Office of General
Counsel

Dated 11/2/23



February 29, 2024

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section, Development Review Division

VIA: David A. Green, MBA, Planner IV, Long-Range Planning Section Community Planning Division *DG*

VIA: Kierre McCune, Planning Supervisor, Master Plans and Studies Section, Community Planning Division *KM*

FROM: Michael D. Calomese, AICP, Planner III, Master Plans and Studies Section, Community Planning Division *MDC*

SUBJECT: SDP-2304 Saddle Ridge

FINDINGS

Pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application.

The applicable master plan is the 2013 *Approved Subregion 5 Master Plan* (master plan). The master plan recommends Residential Low land use on the subject property. Residential Low land use is described as "Residential areas of up to 3.5 dwelling units per acre. Primarily single-family detached dwellings" (p. 31). The proposed use conforms with the recommended land use.

Master plan conformance was determined with the approval of the Basic Plan A-10060. The proposed residential development consists of up to 621 single-family detached and up to 333 single-family attached dwelling units, for a total of 954 dwelling units. The proposed use is consistent with the approved Basic Plan.

BACKGROUND

Location: 6500 Accokeek Road, Brandywine, MD 20613

Size: 289.01 acres

Existing Use: Generally wooded; site bifurcated by electrical power lines

Future Land Use: Residential Low

Proposal: Specific Design Plan for **infrastructure only**

Existing Zoning: Legacy Comprehensive Design (LCD)

Prior Zoning: Residential Suburban (R-S)

GENERAL PLAN, MASTER PLAN, AND SMA

General Plan: This application is located in the Established Communities tier. (see map, p. 18) 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. (p. 20)

Master Plan: The 2013 *Approved Subregion 5 Master Plan* recommends Residential Low land use on the subject property. Residential Low areas are designated for single-family detached suburban development. (p. 33) The proposed use conforms with the recommended land use.

Planning Area: 85A

Community: Brandywine

Aviation/MIOZ: This application is not located within an Aviation Policy Area or the Military Installation Overlay Zone.

SMA/Zoning: The 2013 *Approved Subregion 5 Sectional Map Amendment* retained the Residential-Estate (R-E) and Rural Residential (R-R) Zones for the subject property.

Zoning Map Amendment A-10060 reclassified the subject property from the R-E and R-R Zones into the Residential Suburban Development (R-S) Zone.

On November 29, 2021, the District Council approved CR-136-2021, the Countywide Map Amendment (CMA), which reclassified the subject property from the R-S Zone to the Legacy Comprehensive Design (LCD) Zone, effective April 1, 2022.

MASTER PLAN CONFORMANCE ISSUES:

There are no conformance issues.

C: Long-Range Agenda Notebook



Countywide Planning Division
Transportation Planning Section

May 16, 2024

MEMORANDUM

TO: Dominique Lockhart, Development Review Division

FROM: *BAP* Benjamin Patrick, Transportation Planning Section, Countywide Planning Division

VIA: *NS* Noelle Smith, Transportation Planning Section, Countywide Planning Division

CSH Crystal Saunders Hancock, Transportation Planning Section, Countywide Planning Division

SUBJECT: SDP-2304 – Saddle Ridge

Proposal

The subject Specific Design Plan (SDP) application proposes infrastructure improvement designs for the future construction of single-family attached and detached dwellings. Specifically, the subject application seeks approval for public streets, water, sewer, storm drain utilities and stormwater management facilities. The Transportation Planning Section's (TPS) review of the referenced SDP application was evaluated using standards of Section 27 of the prior Zoning Ordinance.

Prior Conditions of Approval

The subject property falls under the purview of Zoning Map Amendment (ZMA) A-10060, and Comprehensive Design Plan (CDP) CDP-22001. The relevant conditions of approval have been provided below.

CDP-22001

8. The timing of construction of the master-planned trails be determined with the approval of the specific design plan.

Comment: The current proposal is for infrastructure improvements and includes a conceptual location for the master-planned trail. The current submittal includes areas where the trail will run parallel to internal streets. The applicant has updated the plan to include a 10-foot-wide

shared use path in these areas. The above-referenced condition shall remain in effect and shall be addressed at the time of any specific design plan for construction.

5. Prior to approval of a building permit for each single-family detached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,472 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.
6. Prior to approval of a building permit for each single-family attached dwelling unit, the applicant and the applicant's heirs, successors, and/or assignees shall provide a fee calculated at \$1,338 per dwelling unit multiplied by (Engineering News Record Highway Construction Cost index at time of payment) / (Engineering News Record Highway Construction Cost Index for first quarter, 1993). All fees shall be paid to Prince George's County (or its designee) and can be indexed by any appropriate cost indices determined by the Prince George's County Department of Permitting, Inspections and Enforcement or the Prince George's County Department of Public Works and Transportation.

Comment: The above-referenced conditions remain and will be addressed at the time of building permit for each dwelling.

Master Plan Compliance

This development case is subject to 2009 *Approved Master Plan of Transportation* (MPOT). The subject property fronts along Floral Park Road (P-512) to its north. This portion of Floral Park Road falls within the *Approved Subregion 5 Master Plan and Sectional Map Amendment, 2013*. The plan recommends this portion of Floral Park Road as a 4-lane master plan primary roadway within 60 feet of right-of-way.

Additionally, the subject property fronts along Accokeek Road, MD 373 (C-527) to its south. This portion of Accokeek Road also falls within the *Approved Subregion 5 Master Plan and Sectional Map Amendment, 2013*. and the MPOT. Both plans recommend this portion of Accokeek Road as a 4-lane collector roadway within 80 feet of right-of-way.

At time of Preliminary Plan of Subdivision (PPS), the applicant will be required to demonstrate adequate dedication of 40 feet from centerline along Accokeek Road. Dedication of 30 feet from centerline along Floral Park Road will also be required at time of PPS.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following facilities:

Planned Side Path: Floral Park Road

Planned Shared Roadway: Accokeek Road

Planned Hard Surface Trail: Burch Branch Trail

The MPOT includes the following goal and policies regarding sidewalk and bikeway construction and the accommodation of pedestrians and bicyclists (MPOT, pages 7 and 8):

GOAL: Provide a continuous network of sidewalks, bikeways, and trails that provide opportunities for residents to make some trips by walking or bicycling, particularly to mass transit, schools, employment centers, and other activity centers.

POLICY 2: Provide adequate pedestrian and bicycle linkages to schools, parks, recreation areas, and employment centers.

POLICY 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

POLICY 4: Identify sidewalk retrofit opportunities for small area plans within the Developed and Developing Tiers to provide safe routes to school, pedestrian access to mass transit, and more walkable communities.

POLICY 5: Plan new development to help achieve the goals of this master plan.

The 2013 *Approved Subregion 5 Master Plan* recommends the following facilities:

On-road dual-route bicycle facilities: Floral Park Road

On-road dual-route bicycle facilities: Accokeek Road

The 2013 *Approved Subregion 5 Master Plan* describes on-road dual-route bicycle facilities on page 115 as follows:

Dual routes are roads that contain an off-road bicycle and pedestrian facility and an on-road bicycle facility. An appropriate on-road component of a dual-route facility would be a shared use roadway, where the bicyclist shares the road with vehicles, or a painted bike lane. Even a wide, outside curb lane or a paved road shoulder can be used by bicyclists. Off-road components of a dual-route facility would be either a sidepath or wide sidewalk that could be used by bicyclists, equestrians and pedestrians.

Comment: The subject site will be provided access along Floral Park Road, which is shown as a master plan primary facility on the *Approved Subregion 5 Master Plan and Sectional Map Amendment*.

There are no frontage improvements shown on the SDP. While the applicant has acknowledged the MPOT recommendations of a side path along Floral Park Road and a shared roadway along Accokeek Road on-road dual-route bicycle facilities must be provided to meet the recommendations of the Subregion 5 master plan.

Staff recommends that a shared use path and shared roadway be provided along the entire site's frontage. The shared use path should be 10 feet wide to be consistent with the conceptual master plan trail provided on site and to meet the off-road component of the dual-route facility as envisioned in the master plan. The planned right-of-way for these facilities will facilitate the design and construction of the shared-use path along the site's frontage, as recommended by the master plan unless modified by the operating agency with written correspondence. The exact location for the side path and shared roadways shall be addressed at the time of any specific design plan for construction.

As mentioned above, a conceptual location of the planned Burch Branch Trail is shown on the circulation plan providing pedestrian connectivity from Accokeek Road to Floral Park Road. The planned trail may need to be shifted within the internal circulation network which would impact the proposed public and private right of way. Areas where the trail travels parallel to internal roadways have been indicated on the road sections sheet in the plan set to provide for a continuous width of 10 feet wide. The location of the trail will be evaluated during any subsequent specific design plan for construction. It appears that bicycle and pedestrian movement is facilitated throughout the site while protecting the site's environmental features.

At the PPS stage of development, bicycle and pedestrian adequacy will be further evaluated. As part of this evaluation, the applicant shall submit a Bicycle and Pedestrian Impact Statement (BPIS) which shall provide for additional off-site improvements, along with all required on-site improvements.

Transportation Planning Review **Zoning Ordinance Compliance**

Sections 27-525 through 27-530 of the Prince George's County Zoning Ordinance (Ordinance) provides guidance for specific design plans. Specifically, section 27-527 states the following:

(b) The Specific Design Plan shall include (at least) the following with all plans prepared at the same scale:

(1) A reproducible site plan showing buildings, functional use areas, circulation, and relationships between them

(c) An applicant may submit a Specific Design Plan for Infrastructure in order to proceed with limited site improvements. These improvements must include infrastructure which is essential to the future development of the site, including streets, utilities, or stormwater management facilities. Only those regulations, submittal requirements, development standards, and site design guidelines which are applicable shall be considered.

Comment: The applicant's submission displays vehicular and conceptual bicycle and pedestrian movement throughout the site. Two points of vehicle access have been provided along the site's frontage of Accokeek Road. The site is bifurcated by a PEPCO easement that will separate the development into two sections. There will be no vehicular connection provided from the northern section to the southern section, however the master plan trail will provide pedestrian connection between the sections. The current application for infrastructure includes

the roadways in the southern section of the development, however, it does not include any indication of traffic calming measures. As a condition of approval, prior to acceptance of the SDP for full site development, staff request the applicant submit a traffic calming exhibit displaying calming measures throughout the development.

Sidewalks are shown along both sides of all roads throughout the subdivision along with the location of the master plan trail. With the details provided at this time staff can find that vehicular and pedestrian circulation on site is acceptable. At this time, staff does not believe the intent of the area master plan has been met. However, given the nature of the application and the fact that the frontage improvements are for the benefit of pedestrians and cyclists, staff believes that the details and location of both the shared use path and marked bike lanes can be evaluated at a subsequent SDP submittal. Staff recommends that a shared use path and shared roadway be provided along the entire site's frontage to satisfy the intent of the 2013 *Approved Sub Region 5 Master Plan* and be provided prior to acceptance, unless modified with written correspondence from the operating agency.

Conclusion

Based on the findings presented above, staff conclude that transportation facilities will exist to serve the proposed subdivision as required under subtitle 27 and conform to the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Sub Region 5 Master Plan and Sectional Map Amendment*, if the following conditions are met:

1. Prior to the acceptance of the specific design plan for construction, the applicant and the applicant's heirs, successors and/or assignees shall provide the following:
 - i. A traffic calming exhibit detailing the traffic calming measures throughout the development.
 - ii. A 10-foot-wide shared use path along the site's frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
 - iii. Standard bicycle lane along the site's frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
2. Prior to the acceptance of any specific design plan, provide the details, location, and timing of construction of the master planned trail.



May 14, 2024

MEMORANDUM

TO: Dominique Lockhart, Acting Planner III, Urban Design Section

VIA: Sherri Conner, Planning Supervisor, Subdivision Section *SC*

FROM: Mridula Gupta, Planner IV, Subdivision Section *MG*

SUBJECT: SDP-2304; Saddle Ridge

The subject site totals 289.36 acres and consists of a collection of lots and parcels known as Parcels 37, 66, 86, 110, 143, 157, 188, and 236; Lots 45, 46, 47, and 61; and parts of Lots 44 and 62-66. A deed for Parcel 236 is recorded in Book 34550 page 522 of the Prince George's County Land Records, while a deed for the rest of the properties is recorded in Book 35214 page 42. The lots are shown on a plat recorded in Plat Book SDH 3 page 86, however, all of the lots except Lots 45 and 61 have been further subdivided by deed and so are no longer platted. The site is in the Legacy Comprehensive Design (LCD) Zone; however, this application was submitted for review under the prior Zoning Ordinance and Subdivision Regulations pursuant to Section 27-1704(b) of the Zoning Ordinance, and it is therefore evaluated according to the standards of the prior Residential Suburban Development (R-S) zoning of the subject property. This Specific Design Plan SDP-2304 for infrastructure proposes public streets; water, sewer, stormdrain utilities; and stormwater management (SWM) facilities in support of the Saddle Ridge development. No development of lots, parcels, or dwelling units is proposed at this time. The SDP was accepted for review on February 14, 2024. Subdivision Section's comments were provided to the applicant at the March 1, 2024, SDRC meeting. This referral is based on revised plans received on May 9, 2024.

A portion of the property was subject to preliminary plan of subdivision (PPS) 4-07076, however, this PPS has expired. The rest of the property has never been the subject of a PPS. A new PPS and a certificate of adequacy are required for the division of land and the construction of multiple dwelling units. At this time, a PPS has not been accepted for review. A PPS and final plats will be required for the developing portion of the property prior to the approval of any grading permits.

The site is subject to Comprehensive Design Plan CDP-22001 (PGCPB Resolution No. 2023-108). This CDP covers 289.36 acres and was approved by the Planning Board on October 19, 2023. The CDP proposed development of the property with up to 954 single-family attached and detached dwelling units. Conditions 1, 2, 7, and 9 of CDP-22001 will be applicable at the time of the PPS. Notwithstanding that they will be applicable at the time of the PPS, staff found during the review of the subject SDP application that most of these conditions had the potential to affect the infrastructure layout proposed with this SDP. These conditions of CDP-22001 are listed below in

bold text, and staff comments on each condition are given in plain text:

1. **An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.**

An approved stormwater management (SWM) concept plan and approval letter (24297-2023-SDC) were submitted with the SDP application and should be reviewed by the Environmental Planning Section.

7. **At the time of preliminary plan of subdivision, the applicant shall coordinate with the Prince George's County Department of Parks and Recreation on the exact acreage of the Burch Branch Stream Valley, the adjacent woodlands/forests, and Pod B to be conveyed to The Maryland National Capital Park and Planning Commission, which may include Woodland and Wildlife Habitat Conservation Ordinance easements for on-site conservation.**

This condition requires that at the time of the PPS, the applicant shall coordinate with the Prince George's County Department of Parks and Recreation to determine the exact acreage of the Burch Branch Stream Valley, the adjacent woodlands/forests, and Pod B (as shown on the CDP coversheet) to be conveyed to M-NCPPC. The boundaries of the land to be conveyed have not yet been determined. The SDP show outfalls of SWM facilities, water and sewer pipes, and a 10-foot-wide trail within the stream valley. No other infrastructure or grading is proposed within the stream valley land or area of Pod B that might be conveyed to M-NCPPC. The applicant, in their response to SDRC comments, have stated that conceptual trail alignments and their associated primary management area impacts are included in this SDP, and that no trail-related disturbance within land to be conveyed to M-NCPPC will take place without approval of a construction plan for the trail.

2. **Prior to approval of the associated preliminary plan of subdivision (PPS), Phase I (Identification) archeological investigations, according to the Prince George's County Planning Board's 2005 *Guidelines for Archeological Review*, are recommended on the portions of the developing property that were not previously surveyed to determine if any cultural resources are present. The parcels to be surveyed include Parcel 143 (Tax ID 1140235); Parcel 037 (Tax ID 1174572); Parcel 236 (Tax ID 5528410); Parcel 188 (Tax ID 1189182); and the portion of Parcel 110 (Tax ID 1182534) south of the Potomac Electric Power Company right-of way. Evidence of Maryland National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations are required, prior to signature approval of the PPS.**
9. **Upon receipt of the Phase I report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, a plan for evaluating the resource at the Phase II level, the Phase III level, or avoiding and preserving the resource in place shall be provided, prior to Prince George's County Planning Board approval of the final plat. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to approval of any grading permits.**

Condition 2 requires Phase I archaeological investigations on the portions of the property that were not previously surveyed to determine if any cultural resources are present. According to the condition, the parcels to be surveyed include Parcels 143, 37, 236, 188, and the portion of Parcel 110 south of the Potomac Electric Power Company (PEPCO) right-of-way. At the time of the SDP application acceptance, staff recommended that no infrastructure or grading should be proposed on these parcels, since the archaeological investigations have not yet been conducted. The applicant has subsequently submitted a Phase I archeological survey report which covers Parcels 143, 37, 236, and 188. It is, however, not clear whether the portion of Parcel 110 south of the PEPCO right-of-way is included in the study. The Historic Preservation Section should review the Phase I study to determine whether all areas of the property to be studied are included.

The resolution of CDP-22001 also includes two considerations, of which the following consideration is relevant at the time of the PPS:

2. **At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.**

A Type 2 Tree Conservation Plan (TCP2-011-2024) was submitted with this SDP. The woodland conservation worksheet on the TCP2 reflects the woodland conservation requirements being proposed to be met with approximately 83 acres on-site woodland preservation and afforestation, and 9.07 acres of off-site woodland conservation credits. A Type 1 tree conservation plan will be required with the PPS, and the woodland conservation requirements will be again evaluated at that time. However, the Environmental Planning Section should review the TCP2 and applicability of the consideration.

Additional Comments:

1. The SDP shows public utility easements (PUEs) provided along both sides of all public streets as required by Section 24-122(a) of the prior Subdivision Regulations. Conformance with this requirement will be evaluated at the time of the preliminary plan of subdivision (PPS).
2. The layout of all proposed streets will be evaluated in accordance with the Subdivision Regulations at the time of PPS, and may require revision to the layout shown on this SDP.
3. Final plats for the property will be required following approval of the PPS and SDP before permits may be approved for the subject property.
4. The PPS is necessary to evaluate the location of the infrastructure proposed in this SDP. The PPS will be required before applying for a grading permit. The SDP, if approved, should not be construed as to be a hinderance to any changes recommended or required during the PPS review.
5. Existing Parcel 188 (located in the property's southwest corner) is within Water and Sewer Category 5. Prior to acceptance of a PPS, this portion of the property must attain Category 4

or lower through an amendment to the County Water and Sewer Plan, pursuant to Section 24-122.01(b)(1) of the prior Subdivision Regulations.

6. The property was conveyed to Walton Maryland, LLC via deeds recorded in Book 35214 page 42 and Book 34550 page 522 of the Prince George's County Land Records in 2013. Since that time, several additional deeds have been recorded, each granting a small amount of interest in the property to additional parties (see Book 43542 page 409 and Book 43670 page 95 for examples). As such, Walton Maryland, LLC is not the sole owner of the property. The applicant should be aware that at the time of PPS, a list of all of the record owners of the property will need to be provided, pursuant to Section 24-120(a)(2) of the prior Subdivision Regulations.
7. The SDP coversheet identifies numerous agreements, easements, and covenants on the subject property which have previously been recorded in the Prince George's County Land Records. The applicant should determine whether each of these will remain or be abandoned as a result of the Saddle Ridge development. Some of these agreements, easements, and covenants may be providing sole access to off-site parcels which do not have frontage on a public right-of-way. The applicant has responded that any existing easement and/or covenants impacted by development of the subject property will be extinguished or relocated if necessary.

Recommended Conditions

1. No grading or building permits shall be approved for the subject property prior to the approval of a preliminary plan of subdivision.

This referral is provided for the purpose of determining conformance with any underlying subdivision approvals for the subject property and Subtitle 24. All bearings and distances must be clearly shown on the SDP and must be consistent with the record plat, once it is approved, or permits will be placed on hold until the plans are corrected. There are no other subdivision issues at this time.



Countywide Planning Division
Environmental Planning Division

301-952-3650

May 14, 2024

MEMORANDUM

TO: Dominique Lockhart, Planner III, Zoning Section, DRD

VIA: Tom Burke, Planning Supervisor, Environmental Planning Section, CWPD *TB*

FROM: Chuck Schneider, Planner III, Environmental Planning Section, CWPD *ACS*

SUBJECT: Saddle Ridge: SDP-2304 and TCP2-011-2024

The Environmental Planning Section (EPS) has reviewed the above referenced specific design plan (SDP-2304) and Type 2 Tree Conservation Plan (TCP2-011-2024), accepted on February 14, 2024. Comments were provided in a Subdivision and Development Review Committee (SDRC) meeting on March 1, 2024. Revised plans were received on May 9, 2024. The EPS recommends approval of SDP-2304 and TCP2-011-2024, subject to recommended findings and conditions listed at the end of this memorandum.

BACKGROUND

The EPS has reviewed this site previously with the review of the following applications:

Development Review Case	Associated TCP(s)	Authority	Status	Action Date	Resolution Number
SE-1589	N/A	District Council	Approved	9/20/1967	ZO No. 444-1967
SE-1590	N/A	District Council	Approved	9/20/1967	ZO No. 445-1967
SE-1593	N/A	District Council	Approved	9/20/1967	ZO No. 450-1967
SE-2903	N/A	District Council	Approved	4/26/1976	
SE-4043	TCPII-225-91 TCPII-213-91	District Council	Approved	10/9/1992	Z.O. No. 44-1992
NRI-150-06	N/A	Staff	Approved	3/9/2007	N/A
S-07002	N/A	Planning Director	Certified	11/7/2007	N/A
4-07076	TCP1-044-07	Planning Board	Approved	3/22/2012	08-64
S-09001	N/A	N/A	Dormant	3/18/2016	N/A
A-10060	N/A	District Council	Approved	10/17/2021	2021-92
NRI-150-06-01	N/A	Staff	Approved	8/19/2022	N/A
CDP-22001	TCP1-012-2023	Planning Board	Approved	10/19/2023	2023-108
SDP-2304	TCP2-011-2024	Planning Board	Pending	Pending	Pending

PROPOSED ACTIVITY

This application requests the approval of a specific design plan for infrastructure to support a residential community in the prior zoning comprehensive design zone.

GRANDFATHERING

The project is subject to the environmental regulations contained in Subtitle 25, and prior Subtitles 24 and 27, because the application will require a new preliminary plan of subdivision (PPS).

Site Description

The subject property is a 289.36-acre site between Floral Park Road to the north and Accokeek Road to the south; bounded to the east by wooded and residential lots; and to the west by woodland and residential lots. The properties are divided into two development areas, the northern and southern development areas, which are separated by an existing Potomac Electric Power Company (PEPCO) high tower power line easement. The northern section of the development is located on the south side of Floral Park Road at its intersection with Whitaker Park Drive. The southern section of the development is located on the north side of Accokeek Road, approximately 3,900 feet west of its intersection with Branch Avenue.

The current zoning for the site is Legacy Comprehensive Design Zone (LCD), which is the replacement zone for Residential Suburban Development Zone (R-S). The entire site is within the Environmental Strategy Area 2 (formerly the Developing Tier) as designated by *Plan Prince George's 2035 Approved General Plan* (Plan 2035). The site is in the Established Communities of the General Plan Growth Policy map as designated by Plan 2035, and is shown on the General Plan Generalized Future Land Use map (Plan 2035) as Residential Low. The property is within the *Approved Subregion 5 Master Plan* and Sectional Map Amendment (July 2013).

The mapped Green Infrastructure network on this site contains Regulated and Evaluation Areas. The Regulated Areas are mapped in association with the on-site Burch Branch stream (tributary to Piscataway Creek) and its tributaries, and the Evaluation Area is associated with the woodland adjacent to the stream valleys which provide wildlife connections between the streams. The on-site stream (Burch Branch) is a Secondary Corridor to the Piscataway Creek, a Primary Corridor, and it is identified in the *Approved Countywide Green Infrastructure Plan* (GI Plan) as containing unique environmental features requiring careful consideration when proposing land development. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program (DNR NHP), there are no rare, threatened, or endangered (RTE) species found to occur on or in the vicinity of this property. The *Master Plan of Transportation* (MPOT) (2009) designates Floral Park as a primary roadway, and a portion of Accokeek Road as a collector.

The southern development area contains several special exceptions that were approved for sand and gravel mining operations that are visible on the 1980 and 1984 aerial photographs on PGAtlas. Woodland clearing and installation of a gas line is visible on the 1968 aerial photograph along the western boundary.

The property included in the NRI-150-06-01 contains mapped regulated environmental features (REF) including streams, wetlands, and 100-year floodplain. The site contains mapped forest interior dwelling species (FIDS) habitat.

Marlboro clays and Christiana complexes are not mapped on site. The on-site stream, Burch Branch, flows into the Piscataway Creek. The Piscataway Creek and Burch Branch are designated by the state as Tier II waterways, which are those waters that have an existing water quality that is significantly better than the minimum water quality standards. The entire property is within the Piscataway Creek Watershed, which is further discussed below.

The conservation methods of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) requires priority be placed on the preservation of the on-site woodland and wildlife habitat areas, the planting of stream corridors, and emphasizes the preservation of large contiguous woodland within the green infrastructure network. The site contains mapped FIDS, which is another high priority for preservation and enhancement of on-site woodland.

REVIEW OF PREVIOUSLY APPROVED APPLICATIONS AND CONDITIONS

There have been several development review cases for the application area. The previous special exceptions, preliminary plan of subdivision, and zoning map amendment cases have no environmental conditions. A brief history of these previous cases or plans is included in this section. The 2023 conceptual design plan was approved with an environmental condition and consideration.

History

Special Exceptions SE-1589, SE-1590, and SE-1595 were approved by the District Council on September 20, 1967. The conditions of approval can be found in Zoning Resolution numbers 444-1967, 445-1967, and 450-1967. The application was requested by the Washington Gas Light Company for three separate parcel areas for a well for gas storage field operations. No conditions were required for these special exceptions.

Special Exceptions SE-2903 and SE-4043 were approved by the District Council on April 26, 1976, and October 9, 1992. The application was requested by Lone Star Industries for several parcels for sand and gravel mining operations. No conditions were required for these special exceptions.

A PPS 4-07076 was approved by the Planning Board and the resolution was amended on March 3, 2012. The conditions of approval can be found in PGCPB No. 08-64. The preliminary plan of subdivision and Type 1 tree conservation plan (TCP) were never certified. This zoning map amendment will require a new preliminary plan of subdivision application which will supersede 4-07076; therefore, the prior PPS 4-07076 conditions of approval are not applicable.

Zoning Map Amendment A-10060

Zoning Map Amendment A-10060 was approved by the Planning Board, and the resolution was amended on July 8, 2021 (PGCPB No. 2021-92) without conditions. The District Council approved this application on October 17, 2022.

Conceptual Design Plan CDP-22001

The Planning Board approved CDP-22001 on October 19, 2023. The conditions of approval can be found in PGCPB No. 2023-108. The approved conditions and considerations that are environmental in nature for CDP-22001 are listed below in bold text:

Environmental Condition

- 1. An approved stormwater management concept plan and approval letter, or an indication that an application for such approval has been filed, shall be submitted with the preliminary plan of subdivision application.**

As part of the subject SDP application, an approved stormwater management concept plan and letter were submitted with the May 9, 2024, resubmittal of information.

Environmental Consideration

- 2. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.**

As part of this SDP application, a TCP2 was submitted showing on-site preservation reforestation and off-site woodland credits to meet the woodland conservation requirement. This SDP is for infrastructure purposes only and a full development design was not provided on the submitted plans. With the subsequent PPS, the applicant shall show a complete subdivision design that will include more on-site reforestation and preservation to meet the overall requirement on-site.

ENVIRONMENTAL REVIEW

Existing Conditions/Natural Resource Inventory (NRI)

An approved Natural Resource Inventory (NRI-150-06-01) was submitted with the review package, which was approved on August 19, 2022. The TCP1 shows the required information in conformance with the NRI. No revisions are required for conformance to the NRI.

Woodland Conservation

This property is subject to the 2010 Prince George's County Woodland Conservation Ordinance (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. The TCP2-011-2024 was submitted with the SDP application.

Based on the TCP, the overall site contains a total of 202.91 acres of net tract woodlands and 29.24 acres of wooded floodplain. The plan shows a proposal to clear 125.56 acres of on-site woodlands, 2.24 acres of wooded floodplain, and 7.22 acres of off-site woodlands. This application uses the prior zoning (R-S) woodland conservation threshold for a requirement of 51.22 acres (20 percent) and the total woodland conservation requirement is 92.07 acres. Currently, the plan and woodland conservation worksheet shows 72.16 acres of on-site preservation, 10.84 acres of reforestation, and 9.07 acres of off-site woodland credits for a woodland conservation provided of 92.07 acres.

The NRI shows 229.63 acres of woodlands and the TCP2 shows 232.15 acres of total woodlands. These woodland numbers need to be the same on both plans. Prior to certification of this SDP, revision of the NRI or adjustment of the TCP2 to show the same existing woodland numbers is required.

A consideration of the A-10060 application stated that the applicant shall make every effort to meet the entire woodland conservation requirement on-site. The submitted TCP2 shows off-site woodlands to meet the requirement. At the time of the PPS submission, the applicant shall demonstrate conformance with this consideration.

Specimen Trees

Section 25-122(b)(1)(G) 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 and 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 site contains 275 on-site specimen trees with 151 rated in good condition, 108 rated in fair condition, 10 rated in poor condition, one rated in fair/poor condition and five specimen trees not rated. The current proposal for infrastructure proposes to remove 34 specimen trees leaving 241 specimen trees. These requested 34 specimen trees for removal have condition ratings of good (25 specimen trees) and fair (9 specimen trees).

Review of Subtitle 25 Variance Request

A Subtitle 25 Variance application and a statement of justification in support of a variance was received for review with this application and was dated May 2024.

This May 2024 variance statement of justification lists 34 specimen trees requested for removal. When reviewing this variance document, the specific location detail areas show only 33 specimen trees. Specimen tree ST-80 is missing from this variance document. This SDP infrastructure review for specimen tree removal will evaluate 33 specimen trees.

Section 25-119(d)(1) of the WCO contains six required findings to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the 33 specimen trees, and details specific to individual trees have been provided in the following chart.

SPECIMEN TREE SCHEDULE SUMMARY

ST #	COMMON NAME	Diameter (in inches)	CONDITION	Specimen Tree Impact Area	Specimen Tree Impact Disturbance
ST-1	White oak	32	Good	Tree/CRZ	Internal Road
ST-2	Tulip poplar	30	Poor	Tree/CRZ	SWM
ST-3	Northern Red oak	34	Good	Tree/CRZ	Internal Road
ST-4	White oak	33	Good	Tree/CRZ	Main Entrance
ST-10	Sweet Gum	33	Fair	Tree/CRZ	SWM

ST-24	Tulip poplar	32	Good	CRZ	Sewer
ST-25	Tulip poplar	30	Good	Tree/CRZ	Grading
ST-26	Tulip poplar	30	Good	CRZ	Sewer
ST-33	Tulip poplar	41	Good	CRZ	Sewer
ST-34	Pin oak	35	Good	CRZ	Sewer
ST-36	Tulip poplar	33	Good	CRZ	Sewer
ST-37	Tulip poplar	39	Good	Tree/CRZ	Sewer
ST-56	Red Maple	40	Good	Tree	Grading
ST-58	Tulip poplar	37	Good	Tree	Grading
ST-59	Tulip poplar	33	Good	Tree	Grading
ST-60	Tulip poplar	35	Good	Tree	Grading
ST-61	Tulip poplar	34	Good	Tree	Grading
ST-62	Tulip poplar	30	Good	Tree	Grading
ST-64	Tulip poplar	34	Good	Tree	Grading
ST-74	Tulip poplar	30	Good	Tree/CRZ	SWM
ST-81	Tulip poplar	39	Poor	Tree/CRZ	SWM - Sewer
ST-90	Northern Red Oak	43	Fair	CRZ	SWM
ST-125	White oak	34	Fair	CRZ	SWM
ST-126	American Beech	30	Fair	CRZ	SWM
ST-146	Tulip poplar	37	Good	CRZ	SWM
ST-176	Tulip poplar	33	Good	CRZ	Sediment Trap-Outfall
ST-177	Tulip poplar	30	Fair	CRZ	Sediment Trap-Outfall
ST-202	Tulip poplar -Off-site	37	Good	CRZ	Sewer
ST-219	White oak	38	Fair	Tree/CRZ	Sewer
ST-221	Tulip poplar	33	Fair	Tree/CRZ	Sewer
ST-235	Tulip poplar	32	Fair	Tree/CRZ	SWM-Outfall
ST-248	Southern Red oak	30	Good	CRZ	SWM
ST-249	Tulip poplar	32	Fair	Tree/CRZ	SWM-Outfall

Tree/CRZ = impacts both specimen tree and critical root zone

CRZ = Critical Root Zone

SWM = Stormwater Management facility

Outfall = SWM outfall construction

Sewer = sewer line construction

Statement of Justification Request:

A variance from Section 25-122(b)(1)(G) is requested for the clearing of 33 on-site specimen trees and one off-site specimen tree. The current proposal for this allocation is for infrastructure only for a proposed residential community.

The one off-site specimen tree ST-202 will not be reviewed as part of this variance because off-site impacts are not reviewed for environmental conformance. Interior road impacts are not part of this infrastructure review and specimen trees ST-1 and ST-3 are not part of this SDP specimen tree variance review.

Ten specimen trees (ST-25, ST-56, ST-58-62, and ST-64), are requested for removal but are part of mass grading of the application area and not infrastructure. These ten specimen trees will be evaluated for removal with the PPS and are not supported for removal with this application.

This variance is requested to the Woodland and Wildlife Conservation Habitat Ordinance, which requires, under Section 25-122 of the Prince George's County Zoning Ordinance, that "woodland conservation shall be designed as stated in this Division unless a variance is approved by the approving authority for the associated case." The Subtitle Variance Application form requires a Statement of Justification of how the findings are being met.

The text in **bold**, labeled A-F, are the six criteria listed in Section 25-119(d)(1). The plain text provides responses to the criteria.

(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 property would cause an unwarranted hardship if the applicant were required to retain these 22 specimen trees identified as ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-146, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249. Requiring the applicant to retain the 22 specimen trees on the site would further limit the required infrastructure impacts for development to the extent that it would cause the applicant an unwarranted hardship. The application for infrastructure is only for the proposed residential subdivision. The subject specimen trees are located within or adjacent to proposed limit of disturbance areas for proposed stormwater management structures (basin, outfall, and grading), sediment trap, main entrance road, and sewer extension pipelines. The large amount of specimen trees (275) located throughout the entire property makes it challenging to develop the site without affecting a single specimen tree. Retaining these 22 specimen trees would make this proposed infrastructure development impossible.

The proposed use, for residential suburban development, is a significant and reasonable use for the subject site, and it cannot be accomplished without the infrastructure impacts requested with this variance. Development cannot occur on the portions of the site containing PMA, which limits the site area available for development.

(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 site contains 275 specimen trees, and the applicant is proposing to remove 22 of these trees. The 22 specimen trees are being removed due to their location within the proposed infrastructure limit of disturbance. The applicant is proposing 72.16 acres of their woodland conservation requirements on-site in preservation, and most of the remaining specimen trees are located within the area for preservation.

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

Not granting the variance would prevent the infrastructure project and the overall Saddle Ridge subdivision from being developed in a functional and efficient manner. This is not a special privilege that would be denied to other applicants. If other similar residential infrastructure developments were mostly wooded with regulated environmental features and substantial amounts of specimen trees in similar conditions and locations, it would be given the same considerations during the review of the required variance application.

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

The applicant has taken no actions leading to the conditions or circumstances that are the subject of the variance request. The removal of the 22 specimen trees would be the result of their location within the proposed infrastructure limit of disturbance and preserving the woodland conservation requirement on-site to achieve optimal development for the single-family attached dwelling subdivision with associated infrastructure.

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

There are no existing conditions, existing land, or building uses on the site, or on neighboring properties that have any impact on the location or size of the 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.

The removal of 22 specimen trees will not adversely affect water quality. Furthermore, the proposed Saddle Ridge development will not adversely affect water quality because the project will be subject to the requirements of the Prince George's County Soil Conservation District (PGSCD), and the approval of a stormwater concept plan by the DPIE. The plan proposes to use micro-bioretention ponds, and submerged gravel wetlands. The applicant is proposing to meet the woodland conservation requirement with on-site woodland preservation, reforestation, and off-site woodland credits.

Analysis of Specimen Tree Removal Variance

The applicant submitted a variance request to remove 33 specimen trees, but staff supports the removal of 22 specimen trees (ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-147, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249) required for infrastructure construction for the proposed Saddle Ridge residential subdivision. Ten of the requested specimen trees (ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64) for removal were for interior roads and mass grading of the site.

EPS staff recommends the Planning Board grant variance removal request for 22 specimen trees identified as ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-147, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249, and EPS is not in support for the removal of specimen trees ST-1, ST-3, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 which are located on proposed residential lots and not for infrastructure.

A variance request and full evaluation regarding the removal of specimen trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 within the proposed residential lots will be required with the acceptance of a preliminary plan of subdivision (PPS) when more detailed information is available.

Regulated Environmental Features

This application area contains REF including steep slopes, floodplain, wetlands, streams, and their associated buffers which comprise the primary management area (PMA).

Under Section 27-521(a)(11) of the Zoning Ordinance, the plan shall demonstrate the preservation and/or restoration of the REF in a natural state to the fullest extent possible. 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 stormwater management (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 develop the site in conformance with County Code.

This SDP application is only for impacts needed for on-site infrastructure. The applicant proposed 21 PMA impact areas as part of this infrastructure application. A statement of justification (SOJ) was received with the initial application dated December 2023 for all PMA impacts throughout the application area. A revised SOJ was requested for infrastructure PMA impacts only and it was received on May 2, 2024.

Statement of Justification

The applicant submitted a statement of justification for 21 PMA impact areas (A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U) for stormwater management outfall structures, one trail connection, one road crossings, and three sewer connections. These proposed impact areas require infrastructure to adequately develop the proposed Saddle Ridge subdivision. One requested impact area for a trail connection (Impact D) between two proposed sections of the Saddle Ridge subdivision.

This trail connection will improve an old existing farm culvert crossing, which does not meet the standard as required infrastructure for this SDP and is not recommended for approval with this SDP application.

Analysis of Impacts

Based on the revised statement of justification, the applicant is requesting a total of 21 impacts as described below:

Impact Area	Impact Type	Prop. PMA Impact Sq.Ft.	Prop. Stream Impact Lf.	Prop. Wetland Impact Sq.Ft.	Prop. Wetland Buffer Impact Sq.Ft.	Prop. Stream Buffer Impact Sq.Ft.	Prop. Floodplain Impact Sq.Ft.
A	SWM Outfall	3,627	-	-	-	3,627	-
B	SWM Outfall	1,795	-	-	-	1,795	766
C	SWM Outfall	1,308	-	-	-	-	-
D	Trail	5,906	39	-	-	5,810	-
E	SWM Outfall	868	-	-	-	-	-
F	Sewer Line	95,347	148	3,730	2,328	76,621	60,149
G	SWM Outfall	1,431	-	-	-	1,000	278
H	SWM Outfall	28	-	-	-	28	28
I	SWM Outfall	1,051	-	-	-	1,051	58
J	SWM Outfall	3,963	-	-	-	-	869
K	SWM Outfall	3,053	-	-	-	1,477	104
L	SWM Outfall	1,189	-	-	-	685	209
M	SWM Outfall	4,342	-	-	-	2,091	40
N	SWM Outfall	2,875	9	-	-	2,531	-
O	Sewer Line	11,842	-	-	-	2,144	5,202
P	SWM Outfall	689	-	-	-	-	628
Q	Sewer Line	13,256	31	854	3,953	6,410	8,893
R	SWM Outfall	6,913	-	606	1,023	987	1,621
S	SWM Outfall	2,348	9	-	-	-	1,899

T	Road Crossing	35,993	247	-	166	34,543	23,609
U	SWM Outfall	1,547	2	-	-	1,547	1,547

PMA = primary management area
SWM = stormwater management
Sq.Ft. = square feet
Lf. = linear feet

Totals

Totals	Impact Area	Square Feet	Acres	Linear feet
	Primary Management Area	199,371	4.58	-
	Streambed	-	-	485
	Wetland	5,190	0.12	-
	Wetland Buffer	7,470	0.17	-
	Stream Buffer	144,347	3.31	-
	Floodplain	105,894	2.43	-

Analysis of Impacts

Road Crossings – one road crossings impact– Impact Area T

There is currently one existing stream crossing within the application area. This stream crossing is proposed to be used as a road crossing. No other stream crossings are proposed to the six streams systems on-site. The requested stream crossing location of Impact Area T was chosen due to the narrow width of the stream bed and minimal impacts of adjacent REF's. A stream crossing of this subject stream channel is needed to gain access to a large upland area. No other stream crossings are required for the proposed application.

Outfall Structures – 16 stormwater outfall locations and two with sewer line impacts- Impact Areas A, B, C, E, H, I, J, K, L, M, N, O, P, R, S, and U.

These outfall locations are scattered throughout the application area for the DPIE-approved 25 micro-bioretenion ponds and 12 submerged gravel wetlands facilities. The stormwater management locations were chosen because of their location, and the stormwater will be best collected and then drain into a REF in areas that will result in the least amount of erosion.

Utility (Sewer)Connections- three sewer line impacts – Impact Areas part of F, O, and Q

The three requested sewer impacts are needed to connect the various on-site development areas to a main sewer system which is located off-site. Sewer lines are designed to be located where the natural topography will allow the contents to maintain a flow into a larger sewer main pipe which is either located on or off-site.

Trail Crossing – one trail crossing – Impact Area D

There is one trail crossing connection proposed with this application. This requested trail impact is to improve an existing farm road stream culvert crossing into a pedestrian trail crossing. The trail will connect two of the proposed on-site development areas and continue with a proposed subdivision trail system. This impact is not for infrastructure purposes for this SDP and will be considered with the subsequent PPS.

The subject infrastructure application will provide access, stormwater control, and sanitary service to the Saddle Ridge residential subdivision. The applicant submitted a statement of justification for 21 PMA impact areas. One requested impact area for an interior trail connection (Impact D) does not meet the standard which is being used for this SDP for infrastructure review. EPS staff recommends the approval of 20 impact areas (A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U) and does not recommend approval of Impact Area D, a trail connection.

Staff recommends that a statement of justification and full evaluation regarding PMA impacts within the proposed residential lot area and for Impact Area D be required with the acceptance of a PPS when more detailed information is available.

Stormwater Management

An approved stormwater management concept plan was submitted with this application (24297-2023-SDC /P54603-2024-SDC). The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on May 8, 2024. The plan proposes to use 25 micro-bioretenion ponds, and 12 submerged gravel wetlands. No fee is required for providing on-site attenuation and quality control measures.

Erosion and Sediment Control

This site is within a Tier II catchment area. Tier II waters are high-quality waters within the State of Maryland as designated by the Maryland Department of Environment (MDE) that are afforded special protection under Maryland's Anti-degradation policy. A 150-foot-wide expanded buffer is required on-site for all intermittent and perennial streams in accordance with the Prince George's Soil Conservation District (PGSCD) requirements. Redundant erosion and sediment control measures may be required on the Grading, Erosion, and Sediment Control Plan reviewed by the Soil Conservation District. This Tier II buffer is shown on the approved NRI and submitted TCP2. The PGSCD will review the proposed buffer impacts with the future Erosion and Sediment Control Plans.

SUMMARY OF RECOMMENDED FINDINGS AND CONDITIONS

The Environmental Planning Section recommends approval of SDP-2304 and TCP2-011-2024 subject to the following findings and conditions:

Recommended Findings:

1. The required findings of Section 25-119(d) have been adequately addressed for the removal of 22 specimen trees identified as ST-2, ST-4, ST-10, ST-24, ST-26, ST-33, ST-34, ST-36, ST-37, ST-74, ST-81, ST-90, ST-125, ST-126, ST-147, ST-176, ST-177, ST-219, ST-221, ST-235, ST-248, and ST-249. Specimen trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 are not recommended for approval with this application. The removal of specimen trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 may be considered with the preliminary plan of subdivision review.
2. Based on the level of design information available at the present time, the regulated environmental features (REF) on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on Statement of Justification for Impacts to Regulated Environmental Features and associated exhibits from Rodgers dated May 2024, providing for Impacts Areas A, B, C, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U. Staff support these impacts. Impact Area D is not recommended for approval with this application and may be considered with the preliminary plan of subdivision review.

Recommended Conditions:

1. Prior to signature approval of the detailed site plan the TCP2 shall be revised as follows:
 - a. Revise the Specimen Tree table on Sheet 2 to show that ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 are to remain.
 - b. Revise the primary management area impacts to remove requested Area D from the plan view.
 - c. The Liber and folio of the recorded woodland and wildlife habitat conservation easement shall be added to the standard Type 2 Tree Conservation Plan 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 in the Prince George’s County Land Records at Liber ____ Folio _____. Revisions to this TCP2 may require a revision to the recorded easement.”
 - d. Prior to signature approval of the TCP2 have the property owner sign the Owner’s Awareness Certificate on each sheet of the TCP2.

- e. Add the following note to the plan under the Specimen Tree table:
“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE):
The removal of 22 specimen trees (Section 25-122(b)(1)(G)), ST-2 (30 inch Tulip polar), ST-4 (33 inch White oak), ST-10 (33 inch Sweet Gum), ST-24 (32 inch Tulip polar), ST-26 (30 inch Tulip polar), ST-33 (41 inch Tulip polar), ST-34 (35 inch Pin Oak), ST-36 (33 inch Tulip polar), ST-37 (39 inch Tulip polar) , ST-74 (30 inch Tulip poplar), ST-81(39 inch Tulip polar), ST-90 (43 inch Northern Red oak), ST-125 (34 inch White oak), ST-126 (30 inch American Beech), ST-147 (37 inch Tulip polar), ST-176 (33 inch Tulip polar), ST-177 (30 inch Tulip polar), ST-219 (38 inch White oak), ST-221 (33 inch Tulip polar) , ST-235 (32 inch Tulip polar), ST-248 (30 inch Southern Red oak), and ST-249 (32 inch Tulip polar).”
 - f. Add a revision note and have the revised plan signed and dated by the qualified professional preparing the plan.
2. Prior to the issuance of any permits, which impact 100-year floodplain, wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

Recommended Consideration

1. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.



Countywide Planning Division
Historic Preservation Section

301-952-3680

May 20, 2024

MEMORANDUM

TO: Dominique Lockhart, Urban Design Section, Development Review Division

VIA: Thomas Gross, Planning Supervisor, Historic Preservation Section, Countywide Planning Division **TWG**

FROM: Tyler Smith, Historic Preservation Section, Countywide Planning Division **TAS**
Amelia Chisholm, Historic Preservation Section, Countywide Planning Division **AGE**
Jennifer Stabler, Historic Preservation Section, Countywide Planning Division **JAS**

SUBJECT: SDP-2304 Saddle Ridge

The subject property comprises 289.01 acres and is located on the south side of Floral Park Road, approximately 268 feet west of its intersection with Old Liberty Lane. The subject property was zoned Residential Suburban Development (R-S), per the prior Zoning Ordinance, and is located within the 2013 *Approved Subregion 5 Master Plan* area. The subject application proposes infrastructure such as public roadways, storm drains, stormwater management, water and sewer, and grading for the residential community.

The 2013 *Approved Subregion 5 Master Plan* contains goals and policies related to Historic Preservation (pages 155-159). A stated goal of the *Approved Subregion 5 Master Plan* is to preserve and protect historic resources that are significant for their archeological value (page 155), through the strategy of encouraging interpretive plaques about archeology, as part of the development review process (page 159).

A Phase I archeological survey was completed on the 278.09-acre Estates of Pleasant Valley property, in September 2007. Three twentieth-century archeological sites were identified—18PR915, 18PR916, and 18PR917. Site 18PR915 is the remains of a farmstead dating to the second and third quarters of the twentieth century. Site 18PR916 is a late nineteenth to twentieth-century barn ruin. Site 18PR917 is an extensive mid-twentieth-century artifact scatter, that likely represents contract refuse removal from the Statler Hotel in Washington, D.C. in the 1940s, and manure spreading after feeding the mixed refuse to swine. These sites were disturbed by their subsequent demolition and no intact archeological deposits or features were noted in the Phase I survey. Therefore, no further work was recommended on the Estates of Pleasant Valley property.

A Phase I archeological survey of 11.3 acres including Parcel 143 (Tax ID 1140235), Parcel 037 (Tax ID 1174572), Parcel 236 (Tax ID 5528410), and Parcel 188 (Tax ID 1189182), was completed in March 2024. One archeological site, 18PR1259, was identified. It is a precontact lithic concentration located in the northwest corner of Parcel 188. Shatter, early, and biface reduction flakes were identified in one STP. Archeological site 18PR917, the extensive mid-twentieth-century artifact scatter identified during the 2007 archeological survey was expanded to include all of Parcel 236. These sites were highly disturbed, and no intact archeological features were identified. Therefore,

no further archeological work was recommended on Parcels 143, 037, 236, and 188. Historic Preservation staff agree with these recommendations and no further archeological investigation is required.

The Comprehensive Design Plan (CDP-22001), Saddle Ridge (PGCPB No. 2023-108), was approved with the following conditions relevant to historic preservation and archeology:

2. Prior to approval of the associated preliminary plan, Phase I (Identification) archeological investigations, according to the Planning Board's Guidelines for Archeological Review (May 2005), are recommended on the portions of the developing property that were not previously surveyed to determine if any cultural resources are present. The parcels to be surveyed include Parcel 143 (Tax ID 1140235); Parcel 037 (Tax ID 1174572); Parcel 236 (Tax ID 5528410); Parcel 188 (Tax ID 1189182); and the portion of Parcel 110 (Tax ID 1182534) south of the PEPCO right-of way. Evidence of Maryland-National Capital Park and Planning Commission concurrence with the final Phase I report and recommendations are required, prior to signature approval of the PPS.
4. Prior to the approval of the final plat, 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 archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the M-NCPPC staff archeologist. The plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
9. Upon receipt of the report by the Prince George's County Planning Department, if it is determined that potentially significant archeological resources exist in the project area, a plan for evaluating the resources at the Phase II, the Phase III level, or avoiding and preserving the resources in place shall be provided, prior to Prince George's County Planning Board approval of the final plat. If a Phase II and/or Phase III archeological evaluation or mitigation is necessary, the applicant shall provide a final report detailing the Phase II and/or Phase III investigations and ensure that all artifacts are curated in a proper manner, prior to the approval of any grading permits.

Condition 2 was satisfied with the Phase I archeological investigation in March 2024, summarized above. Conditions 4 and 9 are still in effect until satisfied.

Historic Preservation Section staff recommend approval of SDP-2304, Saddle Ridge, with no new conditions.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Department of Parks and Recreation

6600 Kenilworth Avenue Riverdale, Maryland 20737

MEMORANDUM

DATE: May 13, 2024

TO: Dominique Lockhart, Planner III
Zoning Section, Development Review Division
Planning Department

VIA: Sonja Ewing, Assistant Division Chief SE
Dominic Quattrocchi, Planning Supervisor DQ
Park Planning and Environmental Stewardship Division
Department of Parks and Recreation

FROM: Ivy Thompson, Planner III IRT
Land Acquisition/Management & Development Review Section
Park Planning and Environmental Stewardship Division
Department of Parks and Recreation

SUBJECT: **SDP-2304 Saddle Ridge**

The Department of Parks and Recreation (DPR) staff reviewed and evaluated this specific design plan (SDP) for conformance with the requirements as they pertain to public parks and recreational facilities.

PROPOSAL

The subject application is for review of the infrastructure (only) required for the development of 954 single-family attached and detached dwelling units.

BACKGROUND:

The property zoned Legacy Comprehensive Design (LCD consists of 289.36 acres of land located on the north side of Accokeek Road and the south side of Floral Park Road. As described in the Statement of Justification, "the irregularly shaped 289.36± Property is characterized by rolling terrain, with steeper slopes associated with the Burch Branch, which runs generally north-south through the western portion of the Property. The Burch Branch and its system of associated tributaries are a notable feature of the area. A PEPCO transmission line bisects the northern section of the Property."

Nearby park facilities include the undeveloped Floral Park Road Park located west of the subject site across Floral Park Road, Accokeek East Park located approximately 3.5 miles west of Saddle Ridge, and the Southern Area Aquatics and Recreation Complex (SAARC) approximately 3.8 miles to the east. At its eastern border on Accokeek Road, the Saddle Ridge development site is also adjacent to a 67-acre undeveloped M-NCPPC-owned park property, known as Pleasant Springs Park.

REVIEW OF PREVIOUS CONDITIONS OF APPROVAL

Basic Plan Zoning Map Amendment A-10060 approved by the Prince George's County District Council effective October 19, 2022, rezoned approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone.

Conceptual Design Plan CDP-22001 was adopted by the Prince George's County Planning Board on November 9, 2023, PGCPB Res. No. 2023-108. Condition 7 and Condition 8, specific to DPR states:

7. At the time of the preliminary plan of subdivision, the applicant shall coordinate with the Prince George's County Department of Parks and Recreation on the exact acreage of the Burch Branch Stream Valley, the adjacent woodlands/forests, and Pod B to be conveyed to The Maryland-National Capital Park and Planning Commission, which may include Woodland and Wildlife Habitat Conservation Ordinance easements for on-site conservation.
8. The timing of construction of the master-planned trails shall be determined with the approval of the specific design plan.

And Consideration 2:

2. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, including areas that may be conveyed to The Maryland-National Capital Park and Planning Commission.

FINDINGS:

DPR staff reviewed this application and determined conformance as related to the location of infrastructure necessary for development. DPR-related impacts and conditions will be reviewed with subsequent development applications. The stated conformance does not supersede any proposed alterations with future development application reviews of the subject property.

RECOMMENDATION:

DPR recommends approval of Specific Design Plan SDP-2304.

cc: Alvin McNeal



March 18, 2024

MEMORANDUM

TO: Dominique Lockhart, Urban Design Section

FROM: Michelle Meneely, Permit Review Section *MEM*

SUBJECT: SDP-2304, Saddle Ridge, DRD, MEM

1. The Permit Review Section offers no further comments for this development application.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director



MEMORANDUM

February 21, 2024

TO: Dominique Lockhart, Subdivision Review Section
Maryland-National Capital Park & Planning Commission

FROM: Shirley Anthony Branch, Water and Sewer Plan Coordinator *SAB*
Site/Road Plan Review Division, DPIE

RE: SDRC Comments – Saddle Ridge, SDP-2304

Below are my comments on a specific design plan that is scheduled for review at the **March 1, 2024** SDRC meeting. This is a first response for this plan. Should you have any questions regarding the attached information, please feel free to call me at 301.636.2060.

SDP-2304 Saddle Ridge
Tax IDs: Numerous; Tax map: 144 C-2, A/B/C/D-3, C/D-4
Acres: 289.01; Current Zones: LCD,
WSSC Grid: 218SE06
DPIE South District

1. The 2018 Water and Sewer Plan designates the project known as “Saddle Ridge” in Water and Sewer Category 4, inside the Sewer Envelope, in the Growth Tier, and within Tier 2 under the Sustainable Growth Act – planned for public sewer service.
2. Category 3, obtained via the Administrative Amendment process must be obtained before recordation of a final plat. Please contact the Water and Sewer Plan Administrator, DPIE, for further information and instructions.
3. Water lines in Floral Park Road and Accokeek Road abut the northern and southern parcels respectively in Saddle Ridge. Water lines in Church Drive and McKay Drive are also abutting the project. A sewer manhole in Floral Park Road abuts the northern section of the proposed project. A sewer line in Whitaker Park Drive is a short distance from the proposed project.
4. The northern portion of Saddle Ridge (Floral Park Road area) is located in an area with numerous built residences on septic systems due to the absence of public sewer lines. The southern portion of Saddle Ridge (Accokeek Road area) is adjacent to Pleasant Springs subdivision; a community without but in need of public sewer lines (see attached Sewer Category map excerpt).
5. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission before recordation of a final plat.



Angela D. Alsobrooks
County Executive

THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Office of the Director



Dominique Lockhart
SDRC Comments – Saddle Ridge, SDP-2304
Page 2

*The Department of Permitting, Inspections and Enforcement (DPIE) determines the validity in category designations of the Prince George's County Water and Sewer Category Maps. Information reflects the category designated by the 2018 Water and Sewer Plan and its amendments deemed accurate as of **January 5, 2024**. Any dispute of the designated category or comments herein may be addressed to the Site/Road Plan Review Division, Water and Sewer Plan Coordinator, at 301.636.2060.*

cc: Rey S. De Guzman, P.E., Acting Associate Director, S/RPRD, DPIE
Nanji W. Formukong, P.E., South District, S/RPRD, DPIE



Angela D. Alsobrooks
County Executive

Saddle Ridge WSSC GRID 218SE06



- Manholes
 - RAILROADS
 - Streets
 - Water Lines
 - Sewer_Grav
 - Septica
 - Envelope
 - COUNCILMANIC
 - wsscgrid
 - GISDEV_PROPERTY selection
 - GISDEV_PROPERTY
 - BUILDINGS
 - streams
 - ▨ PONDS
 - ▨ WETLANDS
 - ▨ MARLBOROCLAY
 - Western
- Sewer**
- S-1 Community System
 - S-4 Community System Adequate for Development Planning
 - S-5 Future Community System
 - S-6 Individual System
 - S-AP Private, Shared or Community System



PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Public Works and Transportation
Office of The Director



Angela D. Alsobrooks
County Executive

Michael D. Johnson, P.E.
Director

MEMORANDUM

DATE: March 27, 2024

TO: Dominique Lockhart, AICP, Planner III. Zoning Section, Development Review Division, Maryland National Capital Park and Planning Commission

FROM:  Hadi Quaiyum, Chief, Traffic Engineering & Safety Division, OE&PM
Department of Public Works and Transportation (DPWT)

RE: Saddle Ridge (Specific Design Plan SDP 2304)

Staff from the Traffic Studies Section have reviewed the above referenced Subdivision Review Committee (SDRC) referral. The comments are as follows:

- The development is not located in any of the urban center where urban design standards 2017 are mandatory. The applicant need to provide justification for using the urban design standard and need to adopt/follow the appropriate DPWT Specifications and Standards for Roadways and Bridges (2012).
- All dead-end roadways should have appropriate end- of-road treatments (i.e. hammerhead/cul-de-sac) considered/exhibited.
- There are few locations (i.e., Road S, Road V, Road T, and Road W) where the horizontal curves appear to be to be very stringent which may prompt limiting sight distance issue for regular traffic. We recommend that the applicant ensures that all of these horizontal curves meet the county standards.
- There are three access points to the development from Accokeek Road. Based on the available right-of-way, these access points need to accommodate accel/decel lane along Accokeek Road. Considering the relative higher volume/speed of traffic along Accokeek Road, such provisions would allow safer turning movements in/out of the development while separating the mainstream Accokeek Road traffic.

Dominique Lockhart

March 27, 2024

Page 2

If you have any questions or need more information about the review comments, please contact me or Jahid Russel, Chief of Traffic Studies Section, Traffic Engineering and Safety Division, Office of Engineering and Project Management (OEPM) at (301)883-5659.

HQ/JRR

cc: Kate A Mazzara, P.E., Associate Director, OE&PM, DPW&T
Rey De Guzman, P.E., Acting Associate Director, Site/Road Plan Review Division, DPIE
Erv Beckert, P.E., Chief, Highway and Bridge Design Division, DPW&T
Rene Lord Attivor, Chief Engineer, Site/Road Plan Review Division, DPIE
Mariwan Abdullah, P.E., Acting Chief Engineer, Site/Road Plan Review Division, DPIE
Jahid Russel, Chief, Traffic Studies Section (TSS), TE&SD, OE&PM, DPW&T

Brandywine/TB, Southern Region Neighborhood Coalition

Many Communities • One Voice • Keeping Community Informed

May 28, 2024

Mr. Peter Shapiro, Chair
Prince George's County Planning Board
1616 McCormick Drive
Largo, MD 20774

Re: SDP-2304_Saddle Ridge for record

Dear Chair Shapiro and Planning Board Members:

The BTB Coalition is the sponsored membership of Community CDX/CDC a "community development locality nonprofit organization", having HUBS for every county in the State of Maryland, with members and supporters who live throughout the state.

Thank you for the opportunity to offer our testimonial in setback of Brandywine, MD for years to come that the approval of SDP-2304-Saddle Ridge as one of the many car dependent sprawl developments not in accordance with SMART growth. Smart growth is an overall approach of development and conservation strategies that can help protect our health and natural environment and make our communities more attractive, economically stronger, socially diverse, and resilient to climate change.

In 2016 we successfully concluded against the State of Maryland an EPA Title VI Administrative Complaint in the area of "public engagement". MNCPP-C is commissioned by the State of Maryland therefore subject to the 1964 Civil Rights Act therefore we want to make a few points:

1. "Disparate impact" is a legal theory of discrimination liability that holds housing authorities, and other entities accountable for practices that discriminatory effects on groups protected under anti-discrimination laws, even when there is no intent to discriminate, by the way of zoning laws that represent the "Jim Crow" ghettoization labeled in Prince George's County as "density", corresponding to the conjoint urbanization, of a rural community disparate impacts on the health and welfare of its residents.
2. We want to go on record that Brandywine, MD, is Buzzard Point (DC), Cove Point, and a DuPont involved scandal involving hazarded pollutants and substances "forever chemicals" because they remain in the environment. Brandywine, MD has numerous uncontrolled environmental heavy industrial pollutants that come with many health hazards for which this agency along with the County Council continues to ignore and expose residents to a brazen, decades-long history of noise, vibrations, air and ground chemical pollution that are a detriment on the health and welfare of all residents in Brandywine, MD. The BTB Coalition in 2016 became part of the AGU Community Citizen's Science Program.
3. In addition, in law It is considered unethical, even during amicable splits. When one party can speak to the same professional, it is against the law for an attorney to represent both sides in an official capacity. Yet, it is allowed by lobbyist hired by the petitioner/applicants also decree to represent the interest of the residents. If a lobbyist is serving two parties who have opposing interests, how than can one adhere to both these obligations. Conflicts of interest are a part of the Code of Professional Conduct, which prohibits certain practices from representing two sides in a dispute where both have adverse interests.

Because of these industrial facilities, many community members are susceptible to health risks related to air pollution. Specifically, Brandywine residents are exposed to high levels of nitrogen dioxide, ozone, and particulate matter. Combined, these pollutants can cause illnesses such as heart disease, asthma, strokes, emphysema, bronchitis, and chronic obstructive pulmonary disease (USEPA, 2017). These health issues are prevalent throughout Brandywine. According to Prince George's County Community Health Assessment, respiratory symptoms are the leading cause of emergency room visits in the County. Clearly, poor air quality poses a major threat to the health of Brandywine residents. Neither, Maryland MDE or Prince George's County have adopted guidelines to ensure the compliance with Title VI is an example of discriminatory practices and disparate impacts.

The situation in Brandywine is an example of environmental injustice and environmental racism for the following reasons:

- There is a differential burden of LULUs and industrial hazards in Brandywine compared to the rest of the County
- There is a higher prevalence of fossil fuel plants in Brandywine compared to the rest of the County and the State of Maryland
- There is differential siting of LULUs and industrial hazards in a community with no political representation (i.e., not incorporated)
- The disparate impacts of the cumulative industrial hazards and LULUs is a violation of Title VI of the Civil Rights Act
- The disparate siting process of power plants in the Brandywine community is a violation of Title VI of the Civil Rights Act
- The differential exposure of Brandywine to toxicants emitted to the air, water, and soil from local industrial hazards and LULUs compared to other parts of the County with fewer industrial hazards and LULUs is an environmental justice issue
- If decision-making about the siting, permitting, or re-permitting of industrial hazards and LULUs such as fossil fuel plants, fly ash landfills, concrete plants, and other facilities is not informed by data, evidence, expert panels, or studies performed by County agencies or contracted organizations particularly on health impacts, health disparities, or risks for vulnerable populations in host communities then this is a dereliction of duty, violation of Title VI, and an example of environmental injustices.

The situation in Brandywine, MD, reveals that Prince George's County has a problem within its agencies and County Council on understanding what environmental justice is particularly as it relates to health impacts and the rule of law. This is exemplified by recent hearings of the Zoning Examiner and the County Council about a special exception permit for a fly ash landfill located adjacent to Brandywine's only community park where children play soccer and baseball with potential exposure to fugitive dust emissions from the facility. Fugitive dust emissions that may include particulate matter, ultrafine particles, metals including lead, arsenic, mercury, polycyclic aromatic hydrocarbons (PAHs), silica dust, and radioactive particles. Exposure to these toxicants can lead to a number of health issues including decreased lung function, asthma, neurodevelopmental effects, neurocognitive effects, and cancer. Next to a winery?

A public official stated that Prince George's County cannot have environmental justice issues since the County is primarily Black and the political representatives are primarily Black. This statement can be interpreted as since the leadership is Black, their actions in regards to non-compliance with, differential application of, or differential enforcement of zoning regulations, public health codes, environmental regulations, and civil rights statutes should be ignored or deemed permissible in the eyes of the law because the perpetrator is Black and the victims are Black. This basically means that if the leadership is Black, their decisions cannot be discriminatory. What is even more problematic with this supposition is ignoring the fact that the original special exception for the fly ash landfill was provided to the facility at the time when the County was not majority Black with majority Black leadership. This type of supposition demonstrates the poor leadership exhibited by some public officials in the County when ensuring fair and equitable zoning, planning, and development practices for the benefit of all populations particularly vulnerable, underserved, overburdened, and health disparity populations.

This agency fails to consider human health its decision making while the State of Maryland recommend health and wellness policy in all lawmaking areas to prioritize human health, that reduces inequities, and improves Maryland health outcomes for which the influx of massive dense developments have massive inadequate public facilities that contribute to the quality of life. Therefore, based on above aforementioned, we are writing in divergence of this application.

If you have questions or concerns, you can refer this matter to ECCB- Neighborhood Leadership Council (NLC) by email at btb.eccb@gmail.com. Thank you for your considerable time and attention.

Respectfully submitted,


In solidarity, Brandywine/TB Southern Region Neighborhood Coalition; and the
Executive Community Citizen's Board (ECCB) The ECCB- Neighborhood Leadership Council (NLC) Community Anchors

Attachments (2)

Could you imagine living near a hazardous waste site or chemical manufacturing plant or a combination of other industrial polluters? Neither can we, yet this is the reality for so many.

OPINION > COMMENTARY

It's time we embed the concept of environmental justice in granting Maryland permits | GUEST COMMENTARY



The WIN Waste incinerator is seen along Interstate 95 in the South Baltimore neighborhood of Westport.

Jerry Jackson/Baltimore Sun



By REGINA T. BOYCE and MICHAEL JACKSON
March 7, 2024 at 9:14 a.m.



Listen to this article

Could you imagine living near a hazardous waste site or chemical manufacturing plant or a combination of other industrial polluters? Neither can we, yet this is the reality for so many.

For generations, the state of Maryland has approved environmental permits to build and sustain these types of industrial facilities, largely in low-wealth communities of color. Just as redlining damaged Black residential areas, state approval of industrial permits has hurt Black communities, which have long been underserved and under-resourced.

While industrial facilities play a role in managing our energy needs, disposing of our trash, reusing our waste, and aiding in growing our food, they cause major issues including health risks for the communities around them. The pollution from these facilities can alter the value of surrounding properties, penalizing families working to build wealth.

Industrial facilities can be found in many areas of the state, including communities in South Baltimore City, which are overburdened by numerous chemical manufacturing and processing plants, one of the largest trash incinerators in the country, and a medical waste incinerator; the Brandywine area of Prince George's County, which must contend with a coal ash plant, power plants and waste processing and storage sites; and Havre de Grace, home to a major chemical manufacturing plant.

<https://www.baltimoresun.com/2024/03/07/its-time-we-embed-the-concept-of-environmental-justice-in-granting-maryland-permits-guest-commentary/>

THE BALTIMORE SUN
Neighborhood Coalition

THE BALTIMORE SUN

Opinion

Columnists Editorials Readers Respond Op-Ed

TRENDING: Voter guide Sun Readers' Choice nominations Reader poll Key Bridge collapse coverage KAL's view: Editorial cartoons
OPINION

'Environmental justice' bill an insult to imperiled neighborhoods | READER COMMENTARY



Damage from the explosion is seen on the coal transfer tower of the CSX Curtis Bay Pier.

Kenneth K. Lam



By READER COMMENTARY
March 11, 2024 at 4:39 p.m.



Listen to this article

A recent commentary asked, "Could you imagine living near a hazardous waste site or chemical manufacturing plant or a combination of other industrial polluters?" "It's time we embed the concept of environmental justice in granting Maryland permits," March 7). Well, we can because we do — and that's why we oppose the bill promoted in the op-ed, House Bill 24/Senate Bill 96.

We're community leaders fighting environmental racism in Brandywine and South Baltimore, two of the three places named as beneficiaries of this bill. For generations, the state has approved permits for industrial facilities to pollute our neighborhoods from the coal and oil terminals across the street from blocks of homes in Curtis Bay to the multiple gas plants permitted within a 3-mile radius in Brandywine in 2014 and 2015.

We were not consulted about this legislation, and it would address none of the air pollution that our communities are forced to endure daily. The bill leaves air pollution from operation of existing facilities unaddressed, while water pollution from existing facilities would receive significant attention and precious resources supposedly allocated for environmental justice. If we had been asked, we would have identified air pollution from existing industry as a top concern for residents of our neighborhoods and we would have said that the Maryland Department of the Environment must be required, not just allowed, to address environmental injustice in our communities. But we were not asked.

Our exclusion from discussions about the development of this bill adds insult to injury. Now, we are also asked to stomach "solutions" to our problems developed without our input or consent. Environmental justice is not just a slogan to us. This bill gives the illusion of environmental justice. We need the real thing. Our communities' very right to exist depends on it. We oppose H.B. 24/S.B. 96 and call on others who care about our communities to do the same.

— Kamila Gray, Brandywine

— Melony Thomas, Baltimore

Gray is the managing director of 2Bridge in Prince George's County and president of the Brandywine/TB Southern Region Neighborhood Coalition. Thomas is the 'Development Without Displacement' director for the South Baltimore Community Land Trust in South Baltimore.

<https://www.baltimoresun.com/2024/03/11/environmental-justice-bill-an-insult/>
SDP-2304_Backup 121 of 124



Abutting Property Owners and Affected Residents Workgroup

CDP-22001 & SDP-2304_Saddle Ridge Sign-on Letter

May 28, 2024

Mr. Peter Shapiro, Chair
Prince George's County Planning Board
1616 McCormick Drive
Largo, MD 20774

Re: SDP-2304_Saddle Ridge for record:

Dear Chair Shapiro and Planning Board Members:

Community feedback written correspondence on the subject application for the record at the time of the writing of the technical staff report. Thank you for the opportunity to submit comments concerning the proposed development in Brandywine, MD. We are lifelong residents of Prince George's County in Brandywine for over five (5) decades. Some of us came to this community because we sought the rural community that we once so beloved. Most of all, the majority of us are the abutting property owners of the proposed development. We were not engaged by the Applicant at no time before the re-zoning of the property.

Secondly, being the most effected having not been formally engaged before the CDP-22001 submission before the hearing on October 19, 2023. It is not enough to send out random materials that may or may not be received as was the circumstances pertaining to this applicants' applications. As the abutting properties owners, we were granted a meeting after the fact upon our request on December 21, 2023.

These existing community features are in complete distinction from what the quite rural Brandywine area and long-standing agricultural farming history and what the community has now become in past decade due to the massive development. The 17 plus newly developments apartments, townhomes, and duplexes, in addition to those proposed that will comprise the overall health and welfare of this community residents having lifelong effects. Never in a million years would we have believed the denigration due to the colossal amounts of unhinged development and the complete lack of "adequate pubic facilities".

Therefore, as the affected abutting property owners and concerned community members we're writing as we oppose this applicant's application. We recognize that areas change due to a number of influences. However, we have to be smart about building new "car dependent" communities where existing residents already live. The Planning Board should strive to improve our quality of life, not make it more difficult for us.

The goals of the Subregion V Master Plan which covers this area are to: (1) enhance the quality and character of existing communities; (2) make efficient use of existing and proposed infrastructure and investments; that should happen at the time development pursuant to the Prince George's County Charter (3) promote a multimodal transportation network; and (4) protect environmentally sensitive areas.

In Conclusion

The abutting property owners as well as other community member engaged in monthly workgroup meetings stand in opposition of the re-zoning of Saddle Ridge that would permit townhomes, it is equally if not more concerning is the density that comes with townhomes on rural roadways that have not changed since the 1960's. The increased density merely exacerbates the public facilities inadequacy infrastructure problems we face in Brandywine over that past 30 years due to the Brandywine Road Club as direct cause of inadequate roadway facilities and throughout District 9 as a whole in the Subregion V Planning area.

Thank you for your consideration

Respectfully Submitted,



NLC Workgroup Administrative Chair

In solidarity by all abutting and directly affected property owners listed below:

Cynthia Wilkerson

Francis Taylor

Sylvia Taylor

Rodney Taylor

Moses Whitehurst

James and Charlotte Washington

Karleen Powell

Miles Jacobs

Carolyn Gray

Kamita Gray

Scott Family

Drew Family

Hawkins Family

Walls Family

Snow Property Representative

Additional Back-up

For

**SDP-2304
Saddle Ridge**

Saddle Ridge SDP-2304

The Applicant's requested revisions to recommended findings and conditions are as follows:

* * * * *

FINDINGS

* * * * *

- 13. Referral Comments:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows, and are incorporated herein by reference:

* * * * *

[Page 10]

Transportation Planning Review

The applicant's submission displays vehicular and conceptual bicycle and pedestrian movement throughout the site. Two points of vehicle access have been provided long the site's frontage of Accokeek Road. The site is bifurcated by a PEPCO easement that will separate the development into two sections. There will be no vehicular connection provided from the northern section to the southern section, however, the master-planned trail will provide pedestrian connection between the two sections. The current application for infrastructure does not include any indication of traffic calming measures. ~~A condition has been included herein for the applicant to submit a traffic calming exhibit displaying calming measures throughout the development.~~ At subsequent stages of development, staff will make further recommendations, as needed, related to traffic calming measures.

* * * * *

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommend that the Planning Board adopt the findings of this technical staff report and APPROVE Specific Design Plan SDP-2304, and Type 2 Tree Conservation Plan TCP2-011-2024, for Saddle Ridge, subject to the following conditions:

* * * * *

2. Prior to certification of the specific design plan for ~~construction~~ residential development, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- ~~a. A traffic calming exhibit detailing the traffic calming measures throughout the development.~~
 - b. A 10-foot-wide, shared-use path along the sites frontage of Accokeek Road and Floral Park Road and label Shared Roadway markings along the frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.
 - ~~c. A standard bicycle lane along the site's frontage of Accokeek Road and Floral Park Road, unless modified with written correspondence from the operating agency.~~
 - d. The details, location, and timing of construction of the master-planned trail.
- * * * * *

5. Prior to signature approval of the specific design plan, the Type 2 tree conservation plan (TCP2) shall be revised as follows:

 - a. Revise the limits of disturbance and specimen tree table on Sheet 2, to show that Specimen Trees ST-1, ST-3, ST-25, ST-56, ST-58, ST-59, ST-60, ST-61, ST-62, and ST-64 are to remain, unless these are approved for removal at the time of preliminary plan of subdivision and Type 1 tree conservation plan (TCP1).
 - b. Revise the limits of disturbance and primary management area impacts to remove requested Area D from the plan view, unless these impacts are approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan (TCP1).
 - c. 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 in the Prince George’s County Land Records at Liber_Folio__. Revisions to this TCP2 may require a revision to the recorded easement.”
 - d. Prior to signature approval of the TCP2, have the property owner sign the Owner’s Awareness Certificate on each sheet of the TCP2.
 - e. Add the following note to the plan under the specimen tree table, unless additional specimen tree removal is approved at the time of preliminary plan of subdivision and Type 1 tree conservation plan (TCP1):

“NOTE: This plan is in accordance with the following variance from the strict requirements of Subtitle 25 approved by the Planning Board on (ADD DATE): The removal of 22 specimen trees (Section 25-122(b)(1)(G)), ST-2 (30-inch Tulip

polar),ST-4 (33-inch White oak), ST-10 (33-inch Sweet Gum), ST-24 (32-inch Tulip polar), ST-26 (30-inch Tulip polar), ST-33 (41-inch Tulip polar), ST-34 (35-inch Pin Oak), ST-36 (33-inch Tulip polar), ST-37 (39-inch Tulip polar) , ST-74 (30-inch Tulip poplar), ST-81(39-inch Tulip polar), ST-90 (43-inch Northern Red oak), ST-125 (34-inch White oak), ST-126 (30-inch American Beech), ST-147 (37-inch Tulip polar), ST-176 (33-inch Tulip polar), ST-177 (30-inch Tulip polar), ST-219 (38-inchWhite oak), ST-221 (33-inch Tulip polar) , ST-235 (32-inch Tulip polar), ST-248 (30-inch Southern Red oak), and ST-249 (32-inch Tulip polar).”

- f. Add a revision note and have the revised plan signed and dated by the qualifiedprofessional preparing the plan.

* * * * *

Consideration

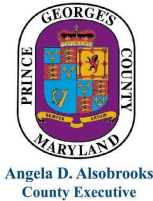
1. At the time of the preliminary plan of subdivision submission, the applicant shall make every effort to meet the entire woodland conservation requirement on-site, to include areas that may be conveyed to The Maryland-National Capital Park and Planning Commission and any such areas shall be credited as on-site.

KEY:

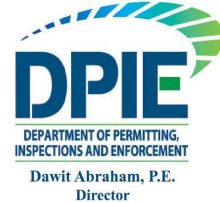
Underline indicates language added to findings/conditions;

~~Strikethrough~~ indicates language deleted from findings/conditions;

Asterisks *** indicate intervening existing findings/conditions that remain unchanged; and [Brackets] indicate page numbers where the text can be found in the Technical Staff Report.



THE PRINCE GEORGE'S COUNTY GOVERNMENT
Department of Permitting, Inspections and Enforcement
Site/Road Plan Review Division



MEMORANDUM

June 7, 2024

TO: Dominique Lockhart, Subdivision Review Section
Development Review Division, M-NCPPC

FROM: Rey De Guzman, P.E., Acting Associate Director
Site/Road Plan Review Division, DPIE *Reynaldo de Guzman*

Re: Saddle Ridge
SDP-2304

CR: Accokeek Road
CR: Floral Park Rd

In response to the SDP-2304 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following updated response:

- The subject site (289.36 acres, zoned RE & RR) is located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of Branch Avenue (MD 5).
- Applicant proposed constructing the associated infrastructure improvements such as public streets, water and sewer lines, storm drain systems, and stormwater management facilities.
- This site's proposed access roads are through Floral Park Road (County Road) and Accokeek Road (State Road).
- The road section for public Road N does not match County standards. There are no County standard roads with 72' ROW. The applicant is to provide County standard road sections for all public roads.
- The minimum centerline radius required for 50' ROW (STD 100.07 Urban Secondary Residential Road) is 300'. The horizontal alignments provided for public roads do not meet our standard radii for any roads except for Road N and Road U. Applicant is to adjust the public roads to meet County standards for centerline radii.
- Sidewalks should follow the radius of the road; they should not have sharp turns. The applicant is to provide sidewalks that follow the road radii for all sidewalks and roads.
- The applicant is to provide frontage improvements along Floral Park Road as per its status as a Scenic and Historical Rural 2-lane Collector Road (DPW&T STD. 100.14). This is to include but is not limited to side paths, street trees, and LED streetlights.
- The applicant will be required to dedicate 40' ROW from the centerline of Floral Park Road.
- The applicant will be required to provide operational analysis along the subdivision roadways and along Floral Park Road.

- The applicant will be required to provide an analysis that determines all intersection control types with supporting data to justify the type of control at each intersection within the subdivision and along Floral Park Road.
- The applicant will be required to provide a left turn/bypass lane analysis for the Northeast Site Access on Floral Park Road.
- The applicant will be required to provide an evaluation using SHA standards to determine where acceleration and deceleration lanes are needed along Floral Park Road.
- The applicant shall provide traffic calming devices along the internally proposed subdivision roadways as discussed with DPIE. This is to include but is not limited to mini circles, raised crosswalks, speed humps, etc.
- The applicant shall provide sight distance analysis at the access points and internal subdivision roadways utilizing the latest edition of AASHTO.
- Accokeek Road (MD 373) is a state-managed roadway. We defer all comments on this road to MDOT SHA.
- All improvements within the public right-of-way, as dedicated for public use to the County, are to be in accordance with the County's Road Ordinance, the Department of Public Works and Transportation (DPW&T) Specifications and Standards and the Americans with Disabilities Act.
- All Public streets are subject to Street Grade Establishment approval from DPIE.
- All storm drainage systems and facilities are to be in accordance with DPW&T's Specifications and Standards.
- SDP 2304 is consistent with the approved site development concept plan DPIE 24297-2023-SDC which will expire on May 8, 2027.
- An appropriate DPIE permit is required for all additional access points from existing County/state roads, improvements of existing access points, utility taps, and on-site grading work associated with this site. All internal streetscapes are to be ADA-compliant.
- DPIE approved the 100-year floodplain with FPS 200807 and the case number 45483-2021. This floodplain delineation governs. Floodplain easements shall be shown on the final subdivision plats and recorded for this project, before grading permit issuance. Minimal impacts to PMA are strongly recommended.
- A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets and proposed buildings is required.
- DPIE has no objection to the proposed SDP 2304.

This memorandum incorporates the Site Development Plan Review pertaining to Stormwater Management (County Code 32-182(b)). The following comments are provided pertaining to this approval phase:

- a) Final site layout, exact impervious area locations are not shown on plans.
- b) The exact acreage of impervious areas has not been provided.
- c) Proposed grading is not shown on plans.

- d) Stormwater volume computations have been provided with the concept submittal. These computations shall be further updated with site development fine grading permit submission.
- e) Erosion/sediment control plans that contain the construction sequence, and any phasing necessary to limit earth disturbances and impacts to natural resources, and an overlay plan showing the types and locations of ESD devices and erosion, and sediment control practices are not included in the submittal.
- f) A narrative in accordance with the code has not been provided.
- g) Applicant shall provide items (a-g) at the time of filing final site permits.

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

cc: Mariwan Abdullah, P.E., Acting Chief, S/RPRD, DPIE
 Rene Lord-Attivor, Chief, Traffic Engineering, S/RPRD, DPIE
 Nanji Formukong, District Engineer, S/RPRD, DPIE
 Salman Babar, CFM, Engineer, S/RPRD, DPIE
 Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE
 D.R. Horton, Inc., 137 Mitchells Chance Road, 300, Edgewater, MD 21037
 Rodgers Consulting, Inc., 1101 Mercantile Lane, 280 Upper Marlboro, MD 20774

Brandywine TB Southern Region Neighborhood Coalition
Mailing address: 8787 Branch Avenue, Suite 17, Clinton MD 20745

June 11, 2024

Mr. Peter Shapiro, Chair
Prince George's County Planning Board
1616 McCormick Drive
Largo, MD 20774

Re: SDP-2304_Saddle Ridge for record

Dear Commissioner Shapiro, Chair and Planning Board Commissioner Members:

We are submitting this request for the record as it pertains to SDP-2304 written testimony.

The Brandywine TB Coalition prepared written testimony on behalf of the community due to unforeseen circumstances this morning beyond our control do a computer hard drive failure we are able submit our written testimony by 12n, today June 11, 2024, for SDP-2304. Reviewing time for the SDP-2304 being 11 days.

Any interested party may present testimony for consideration as part of the Board's hearing by signing up in [advance, or at the hearing] MNCPPC is not conducting in person meetings at this time, or as it relates to the open meetings act.

Submitting oral and written testimony about pending development is an important part of the democratic process, therefore we're requesting that we be allowed to submit our written testimony before the closing of the record on Thursday, June 13, 2024, in that our community's participation is not marginalize at no fault of ours.

Respectfully,
Karyn Sonu