

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2011 Legislative Session

Resolution No. CR-33-2011

Proposed by Council Member Franklin

Introduced by Council Members Franklin and Lehman

Co-Sponsors _____

Date of Introduction April 26, 2011

RESOLUTION

1 A RESOLUTION concerning

2 Adequate Transportation Facilities – Brandywine Road Club

3 For the purpose of suspending , with certain exceptions, the Brandywine Road Club as a means
4 of satisfying the adequate transportation facilities requirement in considering proposals for
5 development in the Brandywine area

6 WHEREAS, Section 24-124 of the Prince George’s County Code prescribes that before
7 approving a preliminary plan of subdivision, the Prince George’s Planning Board shall find that
8 there will be adequate roads available to accommodate all traffic which would be generated by
9 the proposed subdivision, or there is a proposal to construct such roads with funding
10 programmed in an approved state or county plan or other legislatively defined cure to the
11 transportation inadequacy; and

12 WHEREAS, CR-60-1993 approved the master plan and the sectional map amendment for
13 the Subregion V Master Plan, thereby approving the basis for a developer to participate in the
14 Brandywine Road Club as a means of determining transportation adequacy; and

15 WHEREAS, in order to make a finding of roads in the Brandywine Village area, since 1991
16 developers with subdivision approvals subject to the same transportation adequacy condition
17 executed the Brandywine Road Club agreement to contribute a calculated share of funds to the
18 Brandywine Road Club as an alternative means of satisfying the transportation adequacy
19 requirements under Section 24-124; and

20 WHEREAS, upon the establishment of the Brandywine Road Club, the current balance of
21 the fund is approximately \$2,600,000.00 and includes the following payments to satisfy
22 transportation adequacy requirements for the following development projects:

1	Brandywine Village	\$526,770.62
2	Chadds Ford	\$499,467.92
3	Montgomery Ward Brandywine Distribution Facility	\$477,041.00
4	Lakeview at Brandywine	\$209,051.19
5	Rosewood Estates (formerly Rose Creek)	\$170,933.54
6	Timber Village	\$103,383.11
7	Kingswood (formerly Brandywine Landing)	\$ 97,102.00
8	Early Haven	\$ 64,779.60
9	Panda-Brandywine L.P.	\$ 49,650.00
10	Hudelson’s Forest	\$ 36,225.16
11	Southland Corporation (Schwien Property)	\$ 12,043.00
12	301 Commercial Center	\$ 9,628.62
13	Corey Chase	\$ 5,803.51

14 WHEREAS, since the inception of the Brandywine Road Club, only one commitment of
15 approximately \$527,000.00 was made in July of 2009, nearly two decades after use of the Road
16 Club in development approvals began, for improvements as required by Prince George’s
17 Planning Board Resolution PGCPB No. 94-309/File No. 4-94052, Page 3, Item 9.a: “[w]iden US
18 301/MD 5 from a 4-lane road to a 6-lane road beginning at Timothy Branch (north of Cedarville
19 Road) and extending northerly to the US 301/MD 5 Interchange;” and

20 WHEREAS, in the twenty (20) year period that the Brandywine Road Club has existed, no
21 other transportation improvements have been constructed from funds paid by the Brandywine
22 Road Club, despite the persistence of numerous transportation inadequacies in the area
23 documented by the Planning Board since 1989 and the approval of numerous developments
24 based on contributions to the Brandywine Road Club; and

25 WHEREAS, the Planning Board has repeatedly raised concerns about the impact of the use
26 of the Brandywine Road Club on Section 24-124’s purpose of “ensur[ing] that needed
27 transportation facilities occur concurrently with development or within a reasonable time
28 thereafter;” and

29 WHEREAS, it is necessary to suspend the use of the Brandywine Road Club as it has not
30 proven viable or effective in accomplishing the prescriptions of Section 24-124 of the County
31 Code over its 20 year existence; and

1 WHEREAS, Section 1017 of the Charter provides that a Resolution has the force and effect
2 of law but of a temporary or administrative character;

3 WHEREAS, the inadequacy of transportation infrastructure is one of the leading budget
4 challenges confronting Prince George’s County taxpayers;

5 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
6 County, Maryland, that except for applications located entirely within a Commercial, Industrial,
7 or Employment and Institutional Area (“E-I-A”) Zone, or a combination thereof, the Brandywine
8 Road Club is hereby immediately suspended for any applicant as a means of satisfying the
9 requirements of Section 24-124 of the Prince George’s County Code.

10 BE IT FURTHER RESOLVED that the County Auditor is hereby directed to conduct an
11 accounting of the escrow account that is the Brandywine Road Club in an effort to ascertain a
12 complete account history of the fund.

Adopted this 12th day of July, 2011.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Ingrid M. Turner
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council