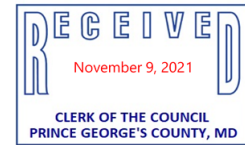


November 9, 2021

Fogler-Pratt Development
12435 Part Potomac Avenue
Potomac, MD 20854



Re: Notification of Planning Board Action on
Detailed Site Plan DSP-20054
Enclave at Brandywine

Dear Applicant:

This is to advise you that, on **November 4, 2021**, the above-referenced Detailed Site Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

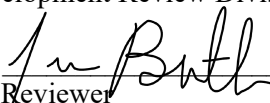
Pursuant to Section 27-290, the Planning Board's decision will become final 30 calendar days after the date of this final notice of the Planning Board's decision, unless:

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), the District Council decides, on its own motion, to review the action of the Planning Board.

(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.)

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

Sincerely,
James R. Hunt, Chief
Development Review Division

By: 
Reviewer

Attachment: PGCPB Resolution No. **2021-126**

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

R E S O L U T I O N

WHEREAS, the Prince George’s County Planning Board is charged with the approval of Detailed Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George’s County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 14, 2021, regarding Detailed Site Plan DSP-20054 for Enclave at Brandywine, the Planning Board finds:

1. **Request:** The subject detailed site plan (DSP) is for the construction of 104 single-family attached dwelling (townhouse)units.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	R-T	R-T
Use	Vacant	Single-family attached dwellings
Total Gross Acreage	19.11	19.11
Lots	0	104
Parcels	1	6
Dwelling Units	--	104

Parking Information

Parking Required	
Single-family attached dwellings	
2.04 spaces/unit @ 104 units	213
Parking Provided	246

Architectural Model

Model Name	Total Finished Square Footage	1-Car Garage
Dupont	1,621	Yes

3. **Location:** The property is located on the west side of US 301 (Robert Crain Highway), in Planning Area 85A and Council District 9. The property is zoned in the Townhouse (R-T) Zone, and it is subject to the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.
4. **Surrounding Uses:** The site is bounded by the Chaddsford development in the Residential Medium Zone to the north; to the east by vacant land in the Commercial Shopping Center Zone; and to the south and west by mostly undeveloped land in the Rural Residential Zone.
5. **Previous Approvals:** The subject property is a legal parcel known as Parcel 30, described by deed recorded in the Prince George's County Land Records in Liber 22896 at folio 307. The property is subject to Preliminary Plan of Subdivision (PPS) 4-18017 (PGCPB Resolution No. 19-116), which was approved on October 10, 2019 for 104 lots and 6 parcels, for the development of 104 single-family attached dwellings. A final plat of subdivision must be submitted prior to October 31, 2021, the date the PPS expires. The site also has a Stormwater Management (SWM) Concept Approval, No. 57206-2018-00, which was issued on April 5, 2019.
6. **Design Features:** The subject site is approximately 19.11 acres and is located on the west side of US 301 (Robert Crain Highway). The subject DSP proposes to construct 104 single-family attached (townhouse) dwelling units. A SWM area is provided in the central green area on-site and is designed to serve as an amenity for the entire community. This feature provides privacy for the units that are central to the site where their rear yards face this amenity, and the feature further unifies pedestrian circulation and connection on-site. The site layout of the subdivision is condensed to preserve land for a future phase of development, which will be located on Parcels B and C dedicated to the homeowners association. An open play area is being proposed on the southwest corner of the site.

Architecture

A single architecture model is being proposed as part of this application which is referred to as the Dupont Model. The model is 20 feet wide and has a finished floor area of 1,621 square feet. The units will be grouped in sticks of five or six units. The front facades will be varied to provide for architectural interest between the facades. The front facades will have a combination of vinyl horizontal siding veneer with paneled shutters and brick veneer with brick soldier course and rowlock sill. The roof will consist of asphalt shingles. Each unit will have a one-car garage and a driveway designed to provide a second off-street parking space. There will be 38 additional parking spaces provided throughout the community for visitor parking, totaling 246 parking spaces that will be provided on-site. A condition has been included herein, stating that all lots visible from public spaces and streets, as described in Section 27-433(d)(5) of the Prince George's County Zoning Ordinance, should be designated as high-profile sides.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements of the R-T Zone and the site plan design guidelines of the Zoning Ordinance, as follows:
- a. The application is subject to the requirements of Section 27-441(b) of the Zoning Ordinance, which governs uses in residential zones. Townhomes are permitted in the R-T Zone, pursuant to Footnote 125, which states that the DSP is in conformance with the applicable site design guidelines and the requirements of the R-T Zone.
 - b. The DSP generally conforms with Section 27-433 of the Zoning Ordinance, Regulations for the R-T Zone.
8. **Preliminary Plan of Subdivision 4-18017:** The Prince George's County Planning Board approved PPS 4-1817 for Enclave at Brandywine on October 10, 2019 (PGCPB Resolution No. 19-116), for 104 lots and 6 parcels to support development of 104 townhouse units. The conditions that are relevant to the review of this DSP warrant the following discussion:
- 1. **Prior to signature approval of this preliminary plan of subdivision, the plan shall be revised to:**
 - a. **Create a fifth parcel containing approximately 1.7 acres of the subject property, consistent with Staff Exhibit 'A', and label as dedication to the Maryland-National Capital Park and Planning Commission (M-NCPPC) and revise the acreage for Parcel A accordingly.**
 - b. **Show the proposed property lines for Parcel C, where Parcel C meets the private road (Parcel D), in the northwest and southwest corners of the site.**

This revision to PPS 4-18017 was accomplished prior to its certification and labeled as Parcel F. The DSP shows Parcel F as 1.67 acres in area instead of 1.7 acres and is not labeled as to be dedicated to The Maryland-National Capital Park and Planning Commission (M-NCPPC), as required by this condition. A portion of the original 1.7 acres has been used to accommodate a stormwater outlet in the southeast corner of the site, decreasing the total acreage shown on the approved PPS. However, the total acreage meets the minimum acreage requirement and design described by Finding 7 in the PPS resolution. A condition has been included herein, to label Parcel F to be dedicated to M-NCPPC.

This revision to PPS 4-18017 was accomplished prior to its certification, as required.

4. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan (57206-2018-0) and any subsequent revisions.

The proposed DSP does not conform with the approved SWM concept plan (57206-2018-0). A new SWM concept plan is needed. The applicant has indicated that a revision to the SWM concept plan is being submitted to the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). A copy of the revised SWM concept plan was not submitted by the applicant as part of this application. A condition has been included herein, stating that the revised SWM concept plan should be approved by DPIE, and a copy of the approved SWM concept plan and approval letter should be submitted by the applicant for review prior to certification of this DSP. The revised SWM concept plan should depict development in general conformance with the DSP and Type 2 tree conservation plan (TCP2).

7. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the 2013 Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

- a. **Standard sidewalks along both sides of all internal roads, unless modified by Prince George's County Department of Public Works and Transportation/Prince George's County Department of Permitting Inspections and Enforcement.**

Standard sidewalks are provided along both sides of all internal roads.

8. Prior to approval of the first building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following adequate pedestrian and bikeway facilities as designated below, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:

- a. **A standard sidewalk and associated curb ramps along the westside of General Lafayette Boulevard from the site's northern property line to Chadds Ford Drive, as shown on the bicycle and pedestrian impact statement exhibit.**

This DSP shows a standard sidewalk and associated curb ramps along the westside of General Lafayette Boulevard. Conformance to this condition will be further reviewed prior to approval of the first building permit.

- 9. Prior to acceptance of a detailed site plan, an exhibit shall be provided that illustrates the location, limits, and details of the off-site sidewalk improvements approved with PPS 4-18017, consistent with Section 24-124.01(f) of the Subdivision Regulations.**

The applicant provided an exhibit illustrating the off-site sidewalk improvements approved with PPS 4-18017.

- 10. At the time of final plat, ±1.7 acres of parkland, as shown as Staff Exhibit 'A', shall be conveyed to M-NCPPC. The land to be conveyed shall be subject to the following conditions:**
 - a. An original, special warranty deed for the property to be conveyed, (signed by the Washington Suburban Sanitary Commission Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, in Upper Marlboro, Maryland, along with the application of the first final plat.**
 - b. With the exception of the master plan trail (or other improvements associated therewith) within the area to be dedicated to M-NCPPC, M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed including, but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs, and gutters, and front-foot benefit charges prior to and subsequent to application of the building permit.**
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.**
 - d. With the exception of the improvements depicted on the TCP1 for utilities and stormwater facilities, the land to be conveyed shall not be disturbed, or filled in any way without the prior written consent of the Prince George's County Department of Parks and Recreation (DPR). Other than the improvements depicted on the TCP1 for utilities and stormwater facilities, if the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary, or required by M-NCPPC development approval process. The bond, or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks, prior to applying for grading permits.**
 - e. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled, and underground structures (with the exception of any existing underground utilities) shall be removed. DPR shall**

inspect the site and verify that land is in an acceptable condition for conveyance, prior to dedication.

- f. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to, or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.**
- g. With the exception of the improvements depicted on the TCP1 for utilities and stormwater facilities, no stormwater management facilities, or tree conservation, or utility easements shall be proposed on land owned by, or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond, maintenance, and easement agreements shall be required, prior to issuance of grading permits.**

The 1.67 acres of land to be conveyed to M-NCPPC is shown on the DSP, however, the parcel to be dedicated (Parcel F) is not labeled “to be dedicated to M-NCPPC”. A condition has been included herein, to provide this label on the DSP. Conformance with these conditions shall be reviewed prior to the issuance of grading permits.

- 11. Prior to acceptance of a detailed site plan, the applicant shall submit to Prince George’s County Department of Parks and Recreation for review, construction plans for an eight-foot-wide asphalt trail connection from the existing asphalt hiker/biker trail located to the north, on the adjacent Maryland-National Capital Park and Planning Commission property, to the proposed sidewalk along the west side of the General Lafayette Boulevard right-of-way.**

The applicant has provided construction plans for an eight-foot-wide asphalt trail.

- 12. Prior to approval of a final plat:**

- b. The final plat shall grant a 10-foot-wide public utility easement along both sides of the area to be dedicated for General Lafayette Boulevard and either side of the internal private streets, in accordance with the approved preliminary plan of subdivision.**
- c. The final plat shall reflect 100 feet of right-of-way dedication along General Lafayette Boulevard, in accordance with the approved preliminary plan of subdivision.**

This DSP depicts 10-foot-wide public utility easements along both sides of General Lafayette Boulevard, in accordance with the approved PPS. The DSP also reflects 100 feet of right-of-way dedication along General Lafayette Boulevard. Conformance to this condition shall be reviewed prior to approval of the final plats.

13. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan, TCP1-004-2019. The following note shall be placed on the final plat of subdivision:

“Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan, TCP1-004-2019, or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland National Capital Park and Planning Commission, Prince George’s County Planning Department.”

This DSP is in general conformance with Type 1 Tree Conservation Plan TCP1-004-2019.

9. Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance:

This property is subject to the provisions of the Prince George’s County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because it has previously approved tree conservation plans. TCP2-023-2021 was submitted with this DSP application.

The overall site contains a total of 17.48 acres of net tract woodlands, 1.63 acres of 100-year floodplain woodlands, and has a woodland conservation threshold of 3.50 acres (20 percent). This site proposes to clear 14.98 acres of woodland, and 0.06 acre of 100-year floodplain woodlands resulting in a woodland conservation requirement of 9.04 acres.

The submitted TCP2 has a woodland conservation worksheet that shows inaccurate calculations. The Planning Board believes that the excel spreadsheet used by the applicant has become corrupted, which has resulted in the invalid requirement numbers shown on the plan. This worksheet must be revised to show the corrected woodland conservation requirement of 8.04 acres. The TCP2 proposes to meet the woodland requirement with 2.50 acres of on-site preservation and the remaining requirement to be met with off-site woodland conservation. This is consistent with the previously approved TCP1-004-2019. With the adjusted requirement, the applicant will be required to meet the additional acreage with approximately 5.55 acres of off-site woodland credits to meet the requirement.

A required master planned trail was shown adjacent to General Lafayette Boulevard going through a new woodland clearing area towards the on-site primary management area. The proposed trail ends at the on-site existing sanitary sewer line easement. This easement area goes in a southerly direction towards the adjacent off-site proposed master planned trail

connection. The trail will be located within this sanitary easement, which is assumed to be cleared of woodlands.

10. **2010 Prince George’s County Landscape Manual:** This development will be subject to the requirements of the 2010 *Prince George’s County Landscape Manual* (Landscape Manual). Specifically, the site is subject to Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; Section 4.7, Buffering Incompatible Uses; Section 4.9, Sustainable Landscaping Requirements; and Section 4.10, Street Trees along Private Streets, of the Landscape Manual. The required plantings and schedules are provided in conformance with the Landscape Manual and are acceptable.
11. **Prince George’s County Tree Canopy Coverage Ordinance:** Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage on projects that require a grading permit for more than 5,000 square feet of disturbance. The requirement for the R-T Zone is 15 percent, which is 2.87 acres, or 124,865 square feet for this property.
12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized, as follows:
 - a. **Subdivision**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Heath to Butler), which notes that the DSP has been found to be in substantial conformance with the approved PPS.
 - b. **Environmental Planning**—The Planning Board adopts, herein by reference, a memorandum dated September 16, 2021 (Schneider to Butler), which notes a response to previous conditions of approval and the applicable WCO requirements that have been included in the findings of this approval. Conditions to the TCP2 have been included in this approval and are outlined below.
 - c. **Permits**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Chaney to Butler), which notes several comments that have been incorporated as conditions as part of this approval, as appropriate.
 - d. **Community Planning**—The Planning Board adopts, herein by reference a memorandum dated September 10, 2021 (Calomese to Butler), which noted no Community Planning comments.
 - e. **Bicycle and Pedestrian Facilities**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Benjamin to Butler), which concluded that the pedestrian and bicycle transportation site access and circulation of this plan is acceptable.

- f. **Transportation Planning**—The Planning Board adopts, herein by reference, a memorandum dated September 13, 2021 (Masog to Butler), which determined that this plan is acceptable and meets the finding required for a DSP, as described in the Zoning Ordinance.
 - g. **Historic Preservation**—The Planning Board adopts, herein by reference, a memorandum dated August 2, 2021 (Smith to Butler), which stated that the proposal will not impact any historic sites, historic resources, or significant archeological sites.
 - h. **Prince George’s County Department of Permitting, Inspections and Enforcement (DPIE)**—The Planning Board adopts, herein by reference, a memorandum dated September 16, 2021 (Giles to Butler), from DPIE, which provided comments that will be addressed as part of their permitting process.
 - i. **The Prince George’s County Department of Parks and Recreation (DPR)**—The Planning Board adopts, herein by reference, a memorandum dated September 16, 2021 (Burke to Butler), which notes that the DSP has been reviewed and evaluated for conformance with the requirements and conditions of prior approvals as they pertain to public parks and recreational facilities.
13. Based on the foregoing, and as required by Section 27-285(b)(1) of the Zoning Ordinance, the DSP, if approved with the proposed conditions below, represents a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use.
14. Section 27-285(b)(4) of the Zoning Ordinance provides the following required finding for approval of a DSP:

The plan shall demonstrate 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).

The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible

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 2 Tree Conservation Plan TCP2-023-2021, and further APPROVED Detailed Site Plan DSP-20054 for the above described land, subject to the following conditions:

- 1. Prior to certification of this detailed site plan (DSP), the following revisions shall be made, or information shall be provided:

- a. Label Parcel F to be dedicated to The Maryland-National Capital Park and Planning Commission.
 - b. Provide the sign square footage on the sign detail.
 - c. All end units visible to public view from streets should be designated as high visibility units.
 - d. A revised stormwater management (SWM) concept plan consistent with this DSP should be approved by the Prince George's County Department of Permitting, Inspections and Enforcement, and a copy of the approved SWM concept plan and approval letter should be submitted by the applicant.
 - e. Provide a notation to the Rose Creek connector trail section east of General Lafayette Boulevard indicating "future trail installation by M-NCPPC".
2. Prior to the issuance of any building permit:
- The applicant shall execute a right-of-entry agreement with the Prince George's County Department of Parks and Recreation, for the section of the Rose Creek connector trail to the north of this site to be improved on The Maryland-National Capital Park and Planning Commission owned property. The right of entry agreement shall require the removal of the excess section of the existing Rose Creek trail and construction of an eight-foot-wide asphalt shared-use trail connection from the terminus of the trail on the adjacent parkland to the shared-use path proposed along the General Lafayette Boulevard frontage in accordance with a schedule approved by DPR.
3. Prior to certification of this Type 2 tree conservation plan, the following revisions shall be made, or information shall be provided:
- a. Replace the existing woodland conservation worksheet with a corrected worksheet.
 - b. Add a tree protection fence to the required areas and add the symbol and label to the legend.
 - c. Add the tree preservation signs along the preservation areas adjacent to General Lafayette Boulevard and master plan trail every 100 feet and 200 feet along the proposed water/sewer and stormwater management utility lines.
 - d. Have the plans signed and dated by the qualified professional who prepared them.


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 Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 14, 2021, in Upper Marlboro, Maryland.

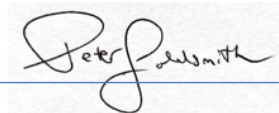
Adopted by the Prince George's County Planning Board this 4th day of November 2021.

Elizabeth M. Hewlett
Chairman

By 
Jessica Jones
Planning Board Administrator

EMH:JJ:TB:nz

APPROVED AS TO LEGAL SUFFICIENCY



M-NCPPC Legal Department
Date: October 20, 2021