



_____)
SPECIFIC DESIGN PLAN)
SADDLE RIDGE)
SDP-2304)
COUNCILMANIC DISTRICT 9)
_____)

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

RESPONDENT D.R. HORTON, INC.'S RESPONSE
TO PETITIONER'S APPEAL OF THE
DECISION OF THE PLANNING BOARD

COMES NOW the Respondent, D.R. Horton, Inc. (the "Respondent"), by and through its attorneys, Matthew C. Tedesco, and the law firm of McNamee Hosea, P.A., and files this Response to Petitioner's Appeal of the Decision of the Planning Board in the above-captioned matter, and in support thereof states as follows.

FACTUAL AND PROCEDURAL BACKGROUND

This matter arises from Respondent's application for a Specific Design Plan ("SDP-2304") for infrastructure only improvements, including public streets, water, sewer, storm drain utilities, and stormwater management (SWM) facilities. As depicted on the previously approved Basic Plan (A-10060), noted in Zoning Ordinance No. 9-2022, and as further described with the previously approved 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 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). Specifically, 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 evidentiary 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 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), which also addressed Mr. Mark Calhoun’s (the “Petitioner”) exceptions filed in that matter, was adopted 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. The density range permitted with the Basic Plan is 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 units and up to 333 single-family attached units, for a total of 954 dwelling units (the “Project”). On January 16, 2024, the District Council waived its election to review CDP-22001 and no appeal of the Planning Board’s decision was filed. The Basic Plan and Comprehensive Design Plan are final and beyond appeal.

SDP-2304

SDP-2304 is a specific design plan for infrastructure only. Specifically, SDP-2304 proposes infrastructure improvement designs for public streets, water, sewer, storm drain utilities, and stormwater management facilities, all of which will be essential for further development of the site as a residential community.

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 Basic Plan and CDP-22001 Text. Furthermore, the Property 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 will be a high-quality suburban development, within the density range envisioned for Residential Low areas (as approved with the Basic Plan and Comprehensive Design Plan), with a network of open space, private recreational facilities and trails, in line with the overall goals of the Master Plan.

The conceptual design previously approved 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.

On June 13, 2024, the Planning Board held an evidentiary hearing on SDP-2304. At the hearing, and in rendering its decision, the Planning Board considered all written and oral testimony along with all exhibits submitted into the evidentiary record. At the conclusion of the public hearing, the Planning Board unanimously approved SDP-2304. On July 11, 2024, the Planning Board adopted its resolution (PGCPB No. 2024-057) approving SDP-2304 and mailed its resolution on July 16, 2024. On August 15, 2024, Petitioner, filed a letter with the Clerk of the County Council seeking to appeal SDP-2304. In response, Respondent files this Response.

RESPONSES TO APPEAL

- I. SDP-2304 will not cause any flooding to Petitioner’s property and will not negatively affect well water levels.**

First and foremost, it must be highlighted, similarly as it was during the proceedings on the Basic Plan, that Respondent through undersigned counsel has repeatedly attempted to reach out to Petitioner in order to facilitate a meeting to discuss these and any other concerns regarding the proposed development. Indeed, and once again, during the Planning Board hearing on this matter, undersigned counsel publicly offered to coordinate a meeting with Petitioner to review the Project in detail as well as to review all of the regulatory requirements that must be met prior to the issuance of a grading permit or building permit. (*See Tr. at pp. 37 – 38*). Furthermore, the day after the Planning Board hearing, on June 14, 2024, undersigned counsel, once again, sent an e-mail to Petitioner to offer a meeting with the Respondent and the Respondent’s consultants to review the concerns raised during the Planning Board. (*See Appx.*). Unfortunately, and similarly as with the interaction during the review of the Basic Plan, the undersigned counsel failed to receive a response from Petitioner, with the exception of receiving the notice of the appeal Petitioner filed on August 15, 2024. As result, Respondent is, once again, left with having to have a dialogue with Petitioner through quasi-judicial proceedings, leaving the District Council to adjudicate matters that would/should otherwise be resolved outside of these proceedings.

Turning the issue(s) raised, Saddle Ridge is designed in accordance with all applicable Federal, State and local environmental regulations. These regulations include, but are not necessarily limited to, groundwater resources. Specifically, in accordance with the State of Maryland and the County’s applicable regulations, Environmental Site Design facilities are to be designed and constructed within the Property to treat stormwater runoff and promote recharging of groundwater. These regulations and the Respondent’s efforts will help to ensure that no

flooding on the Property or to Petitioner's property will occur, and that the water level in Petitioner's well will remain unchanged.

Furthermore, and based on the uncontroverted evidence in the record, SDP-2304 has been found to conform to Section 27-528(b), which requires, among other things, that the specific design plan for infrastructure prevents offsite property damage. An approved SWM Concept Plan (24297-2023-00) was also submitted with SDP-2304. The Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) issued the approval on May 8, 2024. Moving forward, and prior to the issuance of any grading permit(s), among other things, DPIE will review and approve technical site development plans and the Soil Conservation District will review and approve technical soil and erosion sediment control plans. 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. (PGCPB No. 2024-057). The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. (*Id.*) There is no evidence in the record that supports Petitioner's claim(s) nor is there any evidence that contradicts the Planning Board's finding.

II. SDP-2304 will not cause any damage to Petitioner's foundation.

As mentioned above, the storm drains and stormwater management systems proposed with this Project will be required to be designed to meet or exceed all applicable State and County regulations to ensure that rainfall will be appropriately managed and conveyed in a manner that prevents any adverse effects. The drainage pattern across Petitioner's property will remain unchanged as a result of this Project and/or the approval of SDP-2304. The stormwater runoff coming from Petitioner's property on the Property will be conveyed to appropriate

outfalls through the proposed storm drain system. The stormwater management systems included in Respondent's design that include, among other things, stormwater retention facilities and appropriate grading, will ensure that water does not accumulate near or on Petitioner's property.

Additionally, and as the Planning Board correctly found, before any permits are issued and construction begins, various State and County agencies must approve the Project to ensure compliance with the otherwise very strict regulations regarding environmental impacts and stormwater management. Notwithstanding, an approved SWM Concept Plan (24297-2023-00) was submitted with SDP-2304. DPIE approved the same on May 8, 2024. DPIE will review and approve future technical site development plans and the Soil Conservation District will review and approve technical soil and erosion sediment control plans. 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. (PGCPB No. 2024-057). The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. (*Id.*) As such, there is no evidence in the record that supports Petitioner's claim(s) nor is there any evidence that contradicts the Planning Board's finding.

III. SDP-2304 will not impede stormwater from draining off Petitioner's Property.

As part of Respondent's Project planning, its consultants have carefully studied the existing drainage patterns, and the Project grading design will ensure that existing stormwater drainage patterns are maintained. Pursuant to the Prince George's County stormwater regulations (Subtitle 32), the Project will be required to provide a storm drain system and flood control facilities within the Property. The Project must also provide an adequate overland flow path for

rain events. The drainage solutions Respondent is proposing will meet these regulations and will ensure that stormwater is directed away from the adjacent properties (including Petitioner's property) and prevent flooding.

The Planning Board correctly found, before any permits are issued and construction begins, various State and County agencies must approve the Project to ensure compliance with the otherwise very strict regulations regarding environmental impacts and stormwater management. Notwithstanding, an approved SWM Concept Plan (24297-2023-00) was submitted with SDP-2304. DPIE approved the same on May 8, 2024. DPIE will review and approve future technical site development plans and the Soil Conservation District will review and approve technical soil and erosion sediment control plans. 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. (PGCPB No. 2024-057). The proposed grading will also incorporate all required sediment control devices to prevent any damaging drainage, erosion, or pollution discharge. (*Id.*) As such, there is no evidence in the record that supports Petitioner's claim(s) nor is there any evidence that contradicts the Planning Board's finding.

CONCLUSION

In accordance with the arguments set forth above, the substantial evidence in the record, and the Planning Board's decision, findings, and conclusions, the District Council should affirm and approve SDP-2304.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date set forth below, a copy of the foregoing Response to Petitioner's Appeal of the Decision of the Planning Board was served by electronic mail or first-class mail, postage prepaid, upon the following:

Raj A. Kumar, Esq.
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Parties of Record

Date: September 20, 2024



Matthew C. Tedesco, Esq.

Appendix

Matthew C. Tedesco

From: Matthew C. Tedesco
Sent: Friday, June 14, 2024 9:02 AM
To: 4tone1tone@gmail.com
Cc: Christine Gillette; Charlie Howe; Alex Villegas - Rodgers Consulting (AVillegas@RODGERS.COM); Monroe Harrison; Steve Proctor
Subject: Meeting on Saddle Ridge

Mr. Calhoun

Good morning. I wanted to follow-up on yesterday's Planning Board hearing and see if you would like to schedule a meeting to meet with the design team so that we can go through the items that you raised yesterday during the hearing. Again, we are happy to meet and discuss your concerns. Please let us know.

Thanks, Matt



Matthew C. Tedesco

*Principal**

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