AGENDA ITEM: 7 AGENDA DATE: 6/11/2020



The Maryland-National Capital Park and Planning Commission Prince George's County Planning Department **Development Review Division** 301-952-3530

Note: Staff reports can be accessed at http://mncppc.igm2.com/Citizens/Default.aspx

Specific Design Plan Timothy Branch

SDP-1701-03

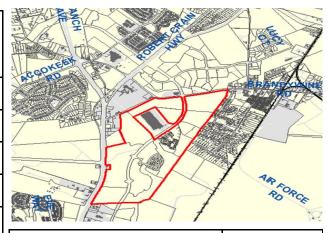
REQUEST	STAFF RECOMMENDATION
Development of 251 dwelling units and recreation amenities in the RM-3 and RM-4 pods of the Villages at Timothy Branch.	APPROVAL with conditions

Location: On the south side of MD 381

(Brandywine Road), approximately 1,000 feet east of its intersection with Short Cut Road.					
Gross Acreage:	322.41				
Zone:	L-A-C/R-M/M-I-O				
Dwelling Units:	251				
Gross Floor Area:	N/A				
Planning Area:	85A				
Council District:	09				
Election District:	11				
Municipality:	N/A				
200-Scale Base Map: 218, 219 and 220SE07; and 218 and 219SE08.					
Applicant/Address: Timothy Branch Inc. 2124 Priest Bridge Drive Crofton, MD 21114	e, Suite 18				

2124 Priest Bridge Drive, Suite 18 Crofton, MD 21114	
Staff Reviewer: Adam Bossi Phone Number: 301-780-8116	

Email: Adam.Bossi@ppd.mncppc.org



Planning Board Date:	06/11/2020
Planning Board Action Limit:	06/15/2020
Staff Report Date:	05/27/2020
Date Accepted:	04/06/2020
Informational Mailing:	11/13/2019
Acceptance Mailing:	03/25/2020
Sign Posting Deadline:	05/12/2020

Table of Contents

EVAL	UATION	3
FIND	INGS	4
1.	Request	4
2.	Development Data Summary	4
3.	Location	4
4.	Surrounding Uses	5
5.	Previous Approvals	5
6.	Design Features	6
7.	Zoning Map Amendment (Basic Plan) A-9987	7
8.	Prince George's County Zoning Ordinance	8
9.	Comprehensive Design Plan CDP-0902, as amended	14
10.	Preliminary Plan of Subdivision 4-09003	28
11.	Specific Design Plan SDP-1304	31
12.	Specific Design Plan SDP-1701 and amendments	31
13.	2010 Prince George's County Landscape Manual	31
14.	Prince George's County Woodland and Wildlife Habitat Conservation Ordinance	31
15.	Prince George's Country Tree Canopy Coverage Ordinance	32
16.	Referral Comments	32
RECO	MMENDATION	34

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Specific Design Plan SDP-1701-03

Type 2 Tree Conservation Plan TCP2-068-93-05

Timothy Branch

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 report.

EVALUATION

This amendment to a specific design plan was reviewed and evaluated for conformance with the following criteria:

- a. The requirements of Zoning Map Amendment (Basic Plan) A-9987-C;
- b. The requirements of the Prince George's County Zoning Ordinance in the Residential Medium Development (R-M) and Military Installation Overlay (M-I-O) Zones;
- c. The requirements of Comprehensive Design Plan CDP-0902 and its amendment;
- d. The requirements of Preliminary Plan of Subdivision 4-09003;
- e. The requirements of Specific Design Plan SDP-1304;
- f. The requirements of Specific Design Plan SDP-1701 and its amendments;
- g. The requirements of the 2010 *Prince George's County Landscape Manual*;
- h. The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance;
- i. The requirements of the Prince George's County Tree Canopy Coverage Ordinance; and
- j. Referral comments.

FINDINGS

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

1. Request: This application requests approval of a specific design plan (SDP) for the development of 251 dwelling units in the RM-3 and a portion of the RM-4 pods, as the second phase of residential development of the Villages of Timothy Branch. These dwelling units consist of 96 single-family attached (townhouses), 30 single-family semidetached (duplexes), and 125 single-family detached dwelling units.

2. Development Data Summary:

	EXISTING	PROPOSED
Zones	L-A-C/R-M/M-I-O	L-A-C/R-M/M-I-O
Use	Vacant	Residential
Gross Total Acreage	322.41	322.41
R-M Zone	250.15	250.15
L-A-C Zone	72.26	72.26
Total Dwelling Units in SDP-1701-03	0	251
Single-Family Detached	0	125
Single-Family Semidetached	0	30
Single-Family Attached	0	96

OTHER DEVELOPMENT DATA:

PARKING - RM-3 and RM-4

	REQUIRED	PROPOSED
125 Single-family detached units @ 2.0/unit	250	375*
30 Single-family semidetached units @ 2.0/unit	60	90*
96 Single-family attached units @ 2.04/unit	196	288*
Surface parking	-	32**
Total	506	785

Note: *Three spaces are provided per unit; two in each garage and one in each driveway.

3. Location: The subject pods, RM-3 and RM-4, are located in the middle of the larger development known as the Villages at Timothy Branch, which is located on the south side of MD 381 (Brandywine Road), approximately 1,000 feet east of its intersection with Short Cut Road. The subject property is in Planning Area 85A and Council District 9.

4

^{**}Total surface parking includes four van-sized handicapped accessible spaces.

4. **Surrounding Uses:** The entire Timothy Branch property consists of 322.41 acres and is bounded to the north by MD 381; to the northwest by Short Cut Road; to the east by the Timothy Branch Stream Valley; to the south by vacant land in the Mixed Use-Transportation Oriented and Heavy Industrial Zones and a commercial development in the Commercial Shopping Center Zone; and to the west by US 301 (Robert S. Crain Highway), a single commercial parcel zoned Commercial Miscellaneous, and multiple industrial parcels along the US 301 frontage zoned Light Industrial (I-1) In addition, there is an internal parcel (Parcel E) located in the central northern portion of the property, which is split zoned Planned Industrial/Employment Park (I-3) and Employment and Institutional Area (E-I-A) and is developed as an existing warehouse. The 72.26-acre Local Activity Center (L-A-C) zoned portion of the property is in the northeastern corner, just south of MD 381, and the 250.15-acre, Residential Medium Development (R-M) zoned portion is located in the south, abutting US 301. The residential development included in this SDP is in the R-M Zone only.

The RM-3 and RM-4 development is bound by Short Cut Road to the north, the right-of-way of Mattawoman Drive and Parcel E developed with an existing warehouse to the east, the right-of-way of US 301 and industrially developed I-1-zoned property to the west, and an undeveloped portion of RM-4 to the south.

5. Previous Approvals: Zoning Map Amendments (Basic Plans) A-9987-C and A-9988-C were approved by the Prince George's County District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and one consideration. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the R-M and the L-A-C Zones.

The Prince George's County Planning Board approved Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion on October 7, 2010 (PGCPB Resolution No. 10-111). The District Council elected to review the case on November 14, 2011 and issued an order of approval on January 23, 2012, subject to 46 conditions. Subsequently, the applicant requested a reconsideration of the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-111(A)), including 38 conditions, was adopted by the Planning Board on the same day.

The Planning Board approved CDP-0902 for the R-M-zoned portion on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case on November 14, 2011. The District Council remanded the case to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the revised approval and issued an order of approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration of the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-110(A)), including 42 conditions, was adopted by the Planning Board on the same day. The Planning Board approved revision CDP-0902-01 on May 14, 2020. The March 17, 2020 County Council issuance of Prince George's County Council Resolution CR-10-2020 An Emergency Resolution Concerning Emergency Operations-Public Meetings, Sessions and Hearings postponed all actions of the District Council, so they have not yet had the opportunity to elect, or waive their right to review the application. A final order, or waiver from the District Council is not expected until at least June 2020.

5

The Planning Board approved Preliminary Plan of Subdivision (PPS) 4-09003 covering the entire Timothy Branch project on October 28, 2010 (PGCPB Resolution No. 10-117). The applicant's request for a reconsideration of this decision was granted, and on April 5, 2012, the Planning Board heard testimony regarding the reconsideration and approved PPS 4-09003 subject to the 32 conditions, contained in PGCPB Resolution No. 10-117(A/1).

The Planning Board approved SDP-1304 on October 23, 2014 (PGCPB Resolution No. 14-116) for rough-grading, dedication and construction of Mattawoman Drive, installation of stormwater management (SWM) features, and construction of a sound attenuation berm along a portion of US 301. The current proposed site development has an approved SWM Concept Plan, 11355-2009-02, dated January 24, 2020.

The Planning Board approved SDP-1701 on September 14, 2017 (PGCPB Resolution No. 17-119), for the first phase of residential development of the R-M Zone portion of Timothy Branch. The SDP included 323 dwelling units, inclusive of 39 single-family detached, 18 single-family semidetached, 194 single-family attached (townhouses), and 72 two-family attached (two-over-two) dwelling units.

Two amendments to SDP-1701 have since been approved. The first, SDP-1701-01, was approved by the Planning Board on July 12, 2018 (PGCPB Resolution No. 18-64), for additional architectural models and to modify the maximum allowed lot coverage within the Phase 1 development area. The second amendment, SDP-1701-02, was approved by the Planning Director on May 4, 2020, to add a new architectural model and modify a previously approved architectural model.

6. **Design Features:** The subject SDP is for Phase 2 of the residential development of the Villages at Timothy Branch. The area of impact in this phase is in the middle western portion of the larger 322.41-acre property, entirely within the R-M-zoned portion. The previously approved SDP-1304 for infrastructure includes the construction of the main public spine road, Mattawoman Drive, through the property, which will provide access to the residential units in this SDP. Development in this phase is in the areas designated as Residential Modules 3 and 4 (RM-3 and RM-4) by CDP-0902. This naming convention is carried over from the CDP into Timothy Branch's residential SDP-1701 and subsequent amendments, including the subject SDP.

RM-3 and RM-4 are accessed via a system of new public roads and private alleys with three connections to Mattawoman Drive. The northern pod, RM-3, includes 69 single-family detached and 12 single-family semidetached residential units. The site design for RM-3 follows a "U" shaped, looped roadway; single-family detached units wrap the outside and inside of this roadway, with semi-detached units located along cross streets in the central portion. The southern end of RM-3 abuts RM-4 where an open area for recreation with a playground is located. A small portion of RM-3 falls within the Military Installation Overlay (M-I-O) Zone for noise intensity associated with Joint Base Andrews.

Development is proposed in the northern portion of RM-4 with this SDP and includes 96 single-family attached (townhouse), 56 single-family detached, and 18 single-family semi-detached residential units. Townhouse units are clustered near Mattawoman Road. A mix of 20-foot-wide and 24-foot-wide units are provided, and all have rear-loaded, two-car garages accessed from private alleys. Single-family semidetached units are provided directly west of the townhouses, with single-family detached homes along the western edge.

The western limit of the development in RM-4 is defined by a noise attenuation berm located between the single-family homes and US 301. A recreational greenspace with a multiage playground is centrally located within RM-4.

Architectural models and signage details for residential development in Timothy Branch was previously approved by the Planning Board under SDP-1701. The subject SDP provides locations for previously approved signage types for RM-3 and the northern section of RM-4. Recreational amenities including two playgrounds and open spaces are provided in accordance CDP-0902-01. Lighting is provided via streetlights along the public roads and the alleys. However, some of the alleys do not show sufficient lighting, so a condition is included herein requiring the plans be revised to address this issue.

Zoning Map Amendment (Basic Plan) A-9987: Basic Plan A-9987-C was approved by the District Council on July 11, 2008, subject to 12 conditions and one consideration. The following are applicable to the review of this SDP:

Land Use Types and Quantities:

A-9987:

Total area: 262± acres
Land in the 100-year floodplain: 19 acres
Adjusted gross area: 243 acres
Density permitted under the R-M Zone: 3.6–5.7 du/ac
Permitted Dwelling Unit Range 874.8–1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

Conformance with these requirements was found at the time of CDP approval. The subject SDP proposes 251 dwelling units within the R-M-zoned portion of land governed by A-9987. Combined with the 323 units approved by SDP-1701, for a total of 574, the density proposed at this time is 2.36 dwelling units per acre, which falls below the approved range. The subject SDP proposes townhouses, one-family detached, and one-family semidetached dwelling units and recreational facilities in conformance with A-9987.

Conditions

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Conformance with this condition was found at the time of CDP. The master planned trail is not located within or adjacent to the RM-3 or RM-4 development pods.

7

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Sidewalks along Mattawoman Drive were addressed with the SDP-1304 approval for infrastructure. The subject SDP shows a five-foot sidewalk along the west side of Mattawoman Drive, adjacent to RM-3 and RM-4.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Sidewalks are shown at all appropriate locations on-site. Trails are provided on the east side of Mattawoman Road, outside the RM-3 or RM-4 development pods.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

A revised Type 2 Tree Conservation Plan (TCP2-068-93-05) was submitted with the current application. The TCP2 proposes to meet approximately 77 percent of the overall requirement onsite.

- **8. Prince George's County Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-M and M-I-O Zones of the Zoning Ordinance. Since no development is proposed within the L-A-C Zone portion of the property by this SDP amendment, conformance with those requirements is not required at this time.
 - a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; and Section 27-509, Regulations, governing development in the R-M Zone.
 - b. A small portion of RM-3 is located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. A Phase II noise study has been submitted with the SDP that shows all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less and there is no outdoor play area located within noise contours higher than 65 dBA Ldn.
 - c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
 - (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);

The subject plan conforms to the requirements of CDP-0902 and its amendment, as discussed in Finding 9 below, and the 2010 *Prince George's County Landscape Manual* (Landscape Manual) requirements, as detailed in Finding 13. This SDP revision proposes townhouses in a portion of RM-4.

Section 27-274(a)(1)(B) of the Zoning Ordinance requires an applicant to provide justification for reasons for noncompliance with any of the design guidelines for townhouses and three-family dwellings, but the subject application complies with all of the applicable design guidelines for townhouses in Section 27-274(a)(11) as follows:

(A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

Within the subject SDP amendment area, mature trees could not be retained on-site in open space areas between rears of townhouse buildings because this arrangement of buildings only occurs in the denser portion of the proposed development of RM-4. The site was already cleared pursuant to SDP-1304.

(B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.

The submitted plan shows a townhouse layout with units at right angles in a semi-courtyard design, with fronts on roadways throughout.

9

(C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees.

The rears of buildings, in particular, should be buffered from recreational facilities.

Fronts of single-family detached units in the RM-4 development area face the centrally located recreation facility and open space area. Recreational facilities in RM-4 are separated from dwelling units on-site with roadways and proposed plantings. Sufficient separation is provided for privacy while still integrating the facilities into the community. Within RM-3, the rears of 11 single-family detached units face the centrally located recreational facility but are sufficiently buffered through proposed plantings.

(D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.

Residential home designs, including architectural elements, to be utilized in the R-M Zone development of Timothy Branch were approved with SDP-1701, as amended. The subject amendment, SDP-1701-03, incorporates previously approved home designs and conforms to this requirement.

(E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

No rears of townhouses are oriented towards public rights-of-way, or parking lots; all are oriented toward private alleys.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

The submitted plan shows a two- to three-foot offset between units in all buildings in conformance with this requirement.

The applicable regulations for townhouses set forth in Section 27-433(d) of the Zoning Ordinance are as follows:

(1) All dwellings shall be located on record lots shown on a record plat.

The proposed townhouses are shown on lots that are required to be recorded on a plat prior to the issuance of permits.

(2) There shall be not more than six (6) nor less than three (3) dwelling units (four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.

The SDP conforms to these requirements as there are no more than six dwelling units in any horizontal, continuous, attached townhouse group.

(3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouses, and twenty-two (22) feet for one-family attached metropolitan dwellings. Attached groups containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.

All proposed townhouse units are 20 or 24 feet wide, and all units have a slightly different design, including various specialty windows and entry trim. All townhouse designs were previously approved in SDP-1701, as amended.

(4) The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet for townhouses, and two thousand two hundred (2,200) square feet for one-family attached metropolitan dwellings.

11

The minimum gross living space proposed for the townhouses is 1,667 square feet, in conformance with this requirement.

(5) Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwalls treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.

All townhouse models including architectural features and additional treatments for highly visible endwalls were previously approved in SDP-1701, as amended.

(6) Above-grade foundation walls shall either be cladded with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.

Conformance with this requirement was previously demonstrated through the approval of SDP-1701, as amended.

(7) A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one "front."

The submitted SDP amendment includes notes and a tracking chart regarding the requirement for 60 percent of the townhouse units to have a full-front façade of brick, stone or stucco. This is consistent with prior approvals.

(8) One-family attached metropolitan dwellings shall be designed with a single architecturally integrated "Front Wall." A minimum of one hundred percent (100%) of the "Front Wall", excluding garage door areas, windows, or doorways shall be constructed of high quality materials such as brick or stone and contain other distinctive architectural features.

The proposed units are not one-family attached metropolitan dwellings.

12

(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:

The SDP does not contain property designated as 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;

The subject property of the Villages at Timothy Branch is governed by an approved and valid PPS, 4-09003, that meets the adequacy test for the required transportation facilities serving this development through conditioned traffic improvements and contribution to the Brandywine Road Club. In addition, the development will be served with adequate public facilities including water, sewer, schools, and fire and rescue services.

The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the following May cycle, and passed the 25 minutes for non-priority calls.

As such, the development will not be served by adequate public facilities (for police emergency service only) and a public safety mitigation agreement is required, and associated fee must be contributed, as conditioned herein.

(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;

A SWM Concept Approval Letter and Plan, 11355-2009-00, extended on May 9, 2017 and valid through May 9, 2020, was submitted with this application, which included 16 conditions of approval and six additional traffic safety comments. Technical SWM design is subject to approval by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE). Final technical plans were previously approved. 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

The Environmental Planning Section determined that the proposed development is in conformance with the revised Type 2 Tree Conservation Plan TCP2-068-93-05 submitted with the current application, subject to several technical corrections, as included in the Recommendation section of this report.

(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).

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 current application. The primary management area impacts shown on the SDP and TCP2 plan are consistent with those approved with PPS 4-09003, SDP-1304 and SDP-1701.

- 9. Comprehensive Design Plan CDP-0902, as amended: CDP-0902, for the R-M zoned portion of the subject property, was originally approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). It was then remanded by the District Council to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council elected to review the remand, and issued an order affirming the Planning Board's approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration to the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution, including 42 conditions, was adopted by the Planning Board on March 19, 2015 (PGCPB Resolution No. 10-110(A)). An amendment, CDP-0902-01, was approved on May 14, 2020 (PGCPB Resolution No. 2020-64). The conditions of approval are applicable to the review of the subject SDP and warrant discussion as follows:
 - 1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.

The subject SDP revision is in conformance with the applicable conditions of approval of Basic Plan (A-9887), as discussed in Finding 7.

2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

This condition sets an overall trip cap for the whole of the Villages at Timothy Branch (covered by CDP-0901 and CDP-0902). The trip cap was based, in part, on 1,200 residences. The table below summarizes the trip generation in each peak hour that will be used to demonstrate conformance to the PPS trip cap for the site:

Trip Generation Summary: SDP-1701-03: Timothy Branch								
	Use		AM Peak Hour		PM Peak Hour			
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot
Current Proposal								
Single-Family Detached	125	units	19	75	94	74	39	113
Townhouse	126	units	18	70	88	66	35	101
Total: Current Proposal			37	145	182	140	74	214
Other Approvals and Pe	nding Prop	osals						
SDP-1701-01 Single- Family Detached	39	units	6	23	29	23	12	35
SDP-1701-01 Townhouse	212	units	30	118	148	110	60	170
SDP-1701-01 Two Over Two	72	units	10	40	50	38	20	58
SDP-1701-04 Multifamily	243	units	24	102	126	95	51	146
Total Trips for Approve	Total Trips for Approved/Pending Proposals			283	353	266	143	409
Total Trips Including Current Proposal		107	428	535	406	217	623	
Trip Cap: Per CDP-0901/CDP-0902/4-09003					1,269			1,775

The proposal of SDP-1701-03 is within the established trip cap for Timothy Branch.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

The required 50-foot minimum building restriction line (BRL) is provided. All building locations for SDP-1701-03 are located beyond the BRL, further than 50 feet from the ultimate right-of-way of Mattawoman Drive.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

The subject application does not propose multifamily buildings. Further, as provided in SDP-1304 for infrastructure, a sound attenuation berm is provided between the single-family residential units in RM-4 and US 301. These dwellings are also outside of the 200-foot BRL associated with the right-of-way for US 301. A Phase II Noise Study was submitted and considered as part of this application.

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE ¹					
	One-family detached	Two-family attached	Single-family semidetached 8,9	Single- family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq. ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage - corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	354	35	354	504
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

 $^{^2}$ Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback, in order to reduce the length of the driveway.

- ⁴This percentage is for building coverage (and not for lot coverage) of the overall net tract area
- ⁵ Stoops and/or steps may encroach into yard area.
- ⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- ⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- ⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- ⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.
- ¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- ¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—R-M ZONE				
Maximum Lot Coverage (%) 25				
Minimum setback from front street line	60 feet			
Minimum setback from side lot line	2 feet			
Minimum setback from rear lot line	2 feet			
Corner lot - Minimum setback from side street				
line (along which an abutting lot fronts)	10 feet			
Corner lot - Minimum setback from side street				
line (along which an abutting lot does not front)	7 feet			
Maximum building height above grade 15 feet				
Note: No accessory building shall be located closer to the main building.	the street line than			

CDP-0902-01 amended the development standard chart and associated footnotes by introducing one new development standard requiring a minimum distance between buildings for one-family detached and single-family semidetached dwellings, revised Footnote 3, added two footnotes to the development standards table, and amended seven specific standards applicable to one-family detached units, and two standards applicable to single-family semidetached units. The development standards chart provided with SDP-1701-03 conforms with the development standards chart, as amended by CDP-0902-01.

d. A note shall be added to the plans and the comprehensive design plan document shall be revised to include a note stating that the requirements of Section 4.7 of the Prince George's County Landscape Manual shall be used as a starting point or minimum for the provision of an adequate separation between incompatible uses, at the perimeter of the site. The requirement may be increased as necessary so as to ensure compatibility between incompatible uses at the time of approval of the specific design plan.

The perimeter area of RM-3 is buffered from an existing warehouse/distribution center by retained woodlands in accordance with Section 4.7 of the Landscape Manual. Residential development in the western portion of RM-4 is buffered from a single commercial site and US 301 by a sound attenuation berm. The berm is to be planted in accordance with the applicable TCP2. These features serve as sufficient buffers between the proposed residential development and adjacent incompatible uses.

- e. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP to demonstrate conformance with this requirement.

- (2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.
- (3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.
- (4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.

Notes are provided on the SDP to demonstrate conformance with these three requirements.

(5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.

The SDP provides only townhouses facing Mattawoman Drive. In all groupings of townhouses, units are offset by two to three feet.

(7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP to demonstrate conformance with this requirement.

(8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.

All residential models and associated architectural treatments proposed for use in this SDP were approved in SDP-1701, as amended. Therefore, the subject SDP conforms with this requirement.

7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.

The SDP-1304 approval for infrastructure, including SWM, addressed this condition.

8. The TCPII for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The TCP2 proposes to meet 75.38 acres of the overall 103.26-acre requirement on-site. The previously approved TCP2 plan proposes off-site mitigation as part of Phase 2. Phasing was eliminated from the plan by the approval of TCP2-68-93-04 and the off-site requirement was fully met within the Mattawoman watershed with the previously issued grading permit.

12. Prior to acceptance of an SDP, a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

This condition has been addressed. A non-tidal wetland mitigation area of 3.5 acres was previously protected on the site as required. This was 1.26 acres more than the wetlands mitigation permitting requirement. No additional impacts are proposed with this SDP.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCPII.

This condition was addressed with SDP-1304 and TCP2-068-93-01.

14. Prior to approval of TCPII which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation regarding the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

The proposed SWM for the site received final technical approval. The approval by DPIE was in coordination with the Prince George's County Department of Public Works and Transportation, who provided written approval of woodland planting within the SWM easement. The technical plan shows woodland planting within the easements of ponds 1, 2A and 4. All SWM easements are delineated and labeled on the SDP and TCP2 in accordance with the approved final technical plan, and afforestation/reforestation within the SWM easements have been credited as on-site woodland conservation.

16. All future SDPs and associated TCPIIs shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

The submitted SDP includes a schedule stating that the tree canopy coverage (TCC) requirement for the site is 46.53 acres, which has been satisfied by the 78.84 acres of on-site woodland conservation.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

Architecture for residential buildings was previously approved. A Phase II Noise Analysis for Timothy Branch – RM-3 and RM-4, dated February 12, 2020, was submitted with the subject SDP. It demonstrates that most residential units will be outside of areas requiring special attention to noise mitigation. However, the 42 townhouse units closest to Mattawoman Drive, and 15 single-family detached dwellings closest to US 301 will require the use of upgraded windows and doors to provide interior noise levels of 45dBA or less. Outdoor activity areas are shown having noise levels of 65 dBA or less.

18. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

This condition will be addressed prior to the issuance of building permits.

19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The subject application includes a detail of a lighting fixture and a photometric plan showing adequate street light levels provided, except within the alleys. Light fixtures proposed do not appear to utilize cut-off optics. A condition has been included in the Recommendation section for the proposed light fixture detail to be revised and the required note added to the SDP.

*[24]20. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex.

The subject application proposes 251 dwelling units in RM-3 and RM-4, and 323 dwelling units in RM-1 and RM-2 were previously approved, for a combined 574 dwelling units. This is less than 50 percent of the total 1,200 residential dwelling units provided in CDP-0902 and CDP-0901. Conformance is not required at this time.

*[28]21. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

The proposed private recreational facilities have been reviewed and are found to be adequate in accordance with previous approvals and the *Park and Recreation Facilities Guidelines*.

*[29]22. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

The proposed private recreational facilities have been reviewed and are found to be adequate and properly sited in accordance with previous approvals and the *Park and Recreation Facilities Guidelines*.

*[31]24. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES				
FACILITY	BOND FINISH CONSTRUCTION			
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit		
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit		
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit		
Min. 4,200-square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit		
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit		
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod Development		

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

Two amendments impacting the provision of recreational facilities in the R-M Zone of Timothy Branch were approved by CDP-0902-01. The first updated the phasing table for the provision of on-site private recreational amenities, as follows:

FACILITY	BOND	FINISH CONSTRUCTION
	Prior to the issuance	
7,500 sq. ft. multiage – RM4	of any residential	Complete by 700th overall
7,500 sq. it. muittage – KM4	unit permit within	residential unit permit
	RM4	
	Prior to the issuance	
20,000 sq. ft. Open play area – RM4	of any residential	Complete by 650th overall
	unit permit within	residential unit permit
	RM4	
	Prior to the issuance	
7,500 sq. ft. multiage – RM3	of any residential	Complete by 775th overall
	unit permit within	residential unit permit
	RM3	

The second amendment relocated a previously approved 7,500-square-foot multiage playground from RM-5 to the centrally located 20,000-square-foot open play area within RM-4. A condition was included in CDP-0902-01, to ensure RM-5 will be served by additional on-site private recreation amenities. Therefore, conformance is shown with this condition, as amended by CDP-0902-01.

*[33]26. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.

All private recreation facilities for RM-3 and RM-4, subject of this SDP, are located on property that is to be owned and maintained by a future Homeowners Association.

*[34]<u>27</u>. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

The development subject of this SDP is on the west side of Mattawoman Drive, where a five-foot-wide sidewalk is provided. Internal sidewalks are shown at appropriate location on-site.

*[36]29. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).

Sidewalks are shown at all appropriate locations.

- *[37]30. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.
- *[38]31. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.

Five-foot-wide sidewalks are shown on the SDP. On-road bike lanes and trails are not included in RM-3 and RM-4.

*[39]32. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential dwellings, excluding where trails connect with the internal road network, unless environmental constraints/impacts exist that make this impractical. The final trail location shall be reviewed at the time of SDP.

Trails are not provided by the subject SDP in the RM-3 and RM-4 development areas.

*[43]36. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the community buildings. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.

No commercial buildings are proposed. Bicycle parking is provided at recreational facilities proposed in this phase of development.

The applicant and/or the applicant's heirs, successors, or assignees *[46]<u>39</u>. shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these

off-site transportation improvements shall be the payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family detached unit, a fee calculated as \$1,306 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as \$886 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.

- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange around US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange around MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

This condition requires payment to the Brandywine Road Club. The Timothy Branch project's participation in the Brandywine Road Club was further confirmed by CR-9-2017, which elevated the construction of Mattawoman Drive through the subject property to the top of the priority list. Pro-rata payments shall be required in accordance with this condition at the time of each building permit.

*[48]41. At the time of SDP review, the applicant may redesign Residential Module 3 to reduce the block perimeter and to increase the pedestrian and vehicular circulation. The housing types within and around these blocks should be reconsidered to facilitate rear loading townhouses.

RM-3 development is proposed by the subject SDP with a pedestrian and vehicular circulation system layout that is acceptable. Townhouses are not proposed in RM-3.

- **10. Preliminary Plan of Subdivision 4-09003:** The relevant PPS, 4-09003, was originally approved by the Planning Board on October 28, 2010. Subsequently, the applicant requested a reconsideration, which the Planning Board heard and approved on April 5, 2012 (PGCPB Resolution No. 10-117(A/1)), subject to 32 conditions. Many relevant PPS conditions mirror those provided by CDP-0902. Responses provided to overlapping conditions discussed under Finding 9 apply to both the CDP and PPS. The following conditions warrant discussion in relation to the subject SDP:
 - 9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior for residential units throughout the site.
 - 10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.

A Phase II Noise Analysis was submitted with the subject SDP. It demonstrates that most residential units will be outside of areas requiring special attention to noise mitigation. However, the townhouse units closest to Mattawoman Drive, and single-family detached dwellings closest to US 301 will require the use of upgraded windows and doors to provide interior noise levels of 45dBA or less. Outdoor activity areas are shown having noise levels of 65 dBA or less. A noise attenuation berm and sound barriers are shown on the plans reducing noise levels in backyards of single-family dwellings shown proximate to US 301 to acceptable levels.

- †[24]17. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
 - e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.

Sidewalks and sidepaths along Mattawoman Drive were previously approved under SDP-1304. The subject SDP shows the appropriately sized and located sidewalk on the west side of Mattawoman Drive.

f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.

Sidewalks are shown at all appropriate locations on-site.

- g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
- h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.

The location, width, and surface treatment are provided in the subject SDP for sidewalks. Trails and bikeways are not proposed by this SDP.

j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.

No commercial buildings are proposed in this phase of development and bicycle parking is provided at proposed recreational facilities.

l. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.

No bus stops are currently located on or adjacent to the subject site. Future transit improvements may be appropriate on-site if the planned light rail/bus rapid transit is implemented in the corridor.

- †[26]19. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upona comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.

- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
- d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

The submitted phasing plan states, that the CDP and PPS resolutions already allow Villages at Timothy Branch to move forward based solely on payment of the Brandywine Road Club fees, and the order of construction is based upon the availability of funds and the phased construction of items, as required in CR-9-2017. The phasing for each item, as noted by the applicant, is described below:

- a. A third northbound through lane along US 301: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier subject to available funding under the Brandywine Road Club.
- b. A northbound left-turn lane along US 301 at Mattawoman Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier subject to available funding under the Brandywine Road Club.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive: The signalization is subject to warrants being met at the MD 381/Mattawoman Drive intersection. An initial signal warrant analysis has been done, and the signal warrant analysis will be redone upon completion of the full Mattawoman Drive connection from MD 381 to Matapeake Business Drive. This will allow the State to determine if the warrants are satisfied, and to make a decision on when the traffic signal should be installed. This is a reasonable timeframe for the completion of this improvement.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within CR-9-2017, this improvement is an earlier priority. The applicant is currently working with the County to complete the Mattawoman Drive connection from MD 381 to Matapeake Business Drive, and it is currently under construction (aerial photography confirms this). The applicant expects this connection to be open to traffic in late 2020. This is a reasonable timeframe for the completion of this improvement.
- † [37]29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each plan of

development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.

The subject SDP provides tracking charts and notes with an inventory of total proposed development in this phase.

† [38]30. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

This requirement is noted in the General Notes on the SDP.

† [40]32. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.

The applicant previously worked with the Historic Preservation staff during the review of prior SDPs for the development, and the proposed street names generally reflect the history of the property, the adjacent Brandywine community, and its associated families.

- **11. Specific Design Plan SDP-1304:** SDP-1304 for infrastructure only including rough grading, dedication and construction of Mattawoman Drive, and SWM ponds, was approved by the Planning Board on October 23, 2014 (PGCPB Resolution No. 14-116), subject to three conditions. None of those conditions are applicable to this SDP.
- **12. Specific Design Plan SDP-1701 and amendments:** SDP-1701 and amendments approved the development of RM-1 and a portion of RM-2, as well as approved architectural models to be utilized throughout the residential development in the R-M Zone of Timothy Branch; including homes proposed in the subject SDP amendment. None of these prior approvals included conditions applicable to the subject SDP amendment.
- **13. 2010 Prince George's County Landscape Manual**: The subject SDP proposes the development of 251 residential units in RM-3 and RM-4 areas of Timothy Branch. This development is subject to the following requirements of the Landscape Manual, Section 4.1, Residential Requirements; Section 4.6, Buffering Development from Streets; and Section 4.9, Sustainable Landscaping Requirements. Landscape plans provided for the subject area of development demonstrate conformance with these requirements.
- 14. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the entire site has a previously approved Type 1 tree conservation plan and a portion of the site has an approved and implemented TCP2. In addition, a revised TCP2 prepared in accordance with the current woodland conservation requirements have been submitted with this application.

The TCP2 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.69 acres of wooded floodplain. The TCP2 shows 2 phases of development. Phase 1 is 320 acres and Phase 2 is 13.63 acres. The current application is for the development RM-3 and RM-4. No development is proposed in the L-A-C portion of the site. The revised TCP2 submitted with the current application proposes to clear a cumulative total of 137.95 acres of upland woodlands and 1.00 acre of wooded floodplain.

The woodland conservation threshold or this property is 53.77 acres. Based upon the total proposed clearing, the woodland conservation requirement is 103.26 acres. The plan proposes to meet the woodland conservation requirement in 34.04 acres of on-site preservation, 39.33 acres of on-site afforestation/reforestation within the net tract, 2.01 acers of afforestation/reforestation in the floodplain, and 26.15 acres of off-site woodland conservation being provided on the site.

Several technical revisions to the TCP2 are required, as conditioned herein.

- 15. Prince George's Country Tree Canopy Coverage Ordinance: Subtitle 25, Division 3, of the Tree Canopy Coverage Ordinance requires a minimum percentage of TCC on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned L-A-C and R-M are required to provide a minimum of 10 and 15 percent, respectively, of the gross tract area in tree canopy. TCC was gauged for the entirety of the Timothy Branch development, which is 322.41 acres in size, resulting in a blended TCC requirement of 44.75 acres, or 13.9 percent. A TCC schedule was provided showing that the requirement is being met on-site by woodland preservation and reforestation, in addition to proposed plantings.
- **16. 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 May 14, 2020 (Greene to Bossi), the Community Planning Division noted that pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, master plan conformance is not required for this application.
 - b. **Transportation Planning**—In a memorandum dated May 11, 2020 (Masog to Bossi), Transportation staff provided an analysis of previous conditions of approval that has been incorporated into findings above, with relative conditions included herein addressing issues, as required. Access and circulation are acceptable. The overall circulation system conforms in large part to the underlying preliminary plan. All internal streets are adequately sized.
 - 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.
 - c. **Subdivision**—Input received from Subdivision staff during the review process indicated that the SDP was in general conformance with PPS 4-09003, as discussed in findings above.

- d. **Trails**—In a memorandum dated May 8, 2020 (Smith to Bossi), Trails staff provided a discussion of previous conditions of approval and recommendations of relevant master plans. The subject SDP is in general conformance with conditions of prior approvals and relevant master plan recommendations for pedestrian and bicycle infrastructure at Timothy Branch. A single recommendation was made for extending a sidewalk to improve connectivity between Ring House Road and General Maxwell Drive, which is conditioned herein.
- e. **Permits**—In a memorandum dated May 11, 2020 (Chaney to Bossi), the Permits Section noted four issues that were addressed in revisions to the SDP.
- f. **Environmental Planning**—In a memorandum dated May 18, 2020 (Finch to Bossi), a comprehensive history of the site's environmental review and conformance with prior conditions of approvals was presented. Staff noted the subject SDP revision and associated TCP 2 can be found in conformance with the previously approved basic plan, CDP, PPS, and relevant SDPs. Staff recommended conditions to require a series of minor technical corrections to the TCP2, which are included herein.
- g. **Special Projects**—In a memorandum dated May 8, 2020 (Thompson to Bossi), the Special Projects Section offered an analysis of the required adequacy findings relative to police facilities, fire and rescue, schools, and water and sewer. Adequate public facilities were determined to be present for all functions, except for police priority (emergency) response time, which failed the adequacy test. As such it is recommended that prior to certification of this SDP amendment, the applicant enter into a Public Safety Mitigation Fee agreement with the Planning Department. In addition, it is recommended that a public safety mitigation fee be paid prior to the issuance of a grading permit for RM-3 and RM-4.
- h. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated May 13, 2020 (Giles to Bossi) DPIE noted that roadway improvements and right-of-way dedication for Mattawoman Drive is required, as is the provision of sidewalks with ADA ramps along all roadways within the property limits. DPIE further noted that the SDP is consistent with the approved SWM Concept Plan 11355-2009-02 dated January 24, 2020.
- i. **Prince George's County Police Department**—In a memorandum dated April 14, 2020 (Contic to Planner Coordinator, Urban Design Section), the Police Department noted they have no comments.
- j. **Prince George's County Health Department**—In a memorandum dated April 15, 2020 (Adepoju to Bossi), the Health Department suggested that future retail space within Timothy Branch be dedicated to a business that would provide access to healthy food choices in the area. The Department also noted health concerns with residential development sited near major roadways. Recommendations were provided for construction activity to follow County noise and dust control requirements.
- k. **Prince George's Department of Parks and Recreation (DPR)**—In an email dated May 15, 2020 (Asan to Bossi), DPR noted that the subject SDP revision has no impact on conditions of previous approvals relevant to parks.

- l. **Prince George's County Fire/EMS Department**—At the time of writing of this report, the Fire Department did not comment on the subject SDP.
- m. **Washington Suburban Sanitary Commission (WSSC)**—In a memorandum dated February 19, 2020, WSSC provided standard comments regarding water and sewer service for the proposed RM-3 and RM-4 development. Their comments are provided for informational purposes and will be enforced by WSSC at the time of permit issuance.

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1701-03 and Type 2 Tree Conservation Plan TCP2-068-93-05 for Timothy Branch, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall provide the following information and/or revise the site plan to provide the following:
 - a. Show a sidewalk connection along the east side of Ring Horse Road, extending from Lot 1 to the sidewalk along General Maxwell Drive, for a continuous pedestrian connection.
 - b. Identify the townhouse and single-family dwelling lots in need of noise mitigation measures on the SDP.
 - c. Revise the exterior light detail provided and add the following note to the SDP: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - e. Provide more shade trees within Parcel A, Block Q open space to provide relief to the playground and portions of the open field.
 - f. Revise the photometric plan to show sufficient lighting within the alleys.
 - g. The applicant shall enter and submit a ratified Public Safety Mitigation Fee agreement with the Maryland-National Capital Park and Planning Commission Prince George's County Planning Department for 251 dwellings, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (Prince George's County Council Resolution CR-078-2005).
- 2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - a. Fully delineate and label the required 40-foot-wide scenic easement on the frontage of MD 381 (Brandywine Road).

- b. Include all recommended noise barriers proposed for RM-3 and RM-4 with SDP-1701-03 on the plan. To provide maintenance access, all noise barriers shall be setback 5 feet from the lot line, and woodland conservation areas shall be set back 10 feet from a noise barrier.
- c. The top and bottom elevation of noise buffers shall be shown on the plan.
- d. All woodland conservation less than 50 feet in width shall be eliminated as woodland conservation or revised to meet the minimum design criteria for width.
- e. Revise the General Notes if necessary, to reflect the current TCP2 revision.
- f. Revise the plan as necessary to be consistent with the SDP.
- g. Add an Owner's Awareness Certificate to the cover sheet.
- h. After all required revisions are made, revise the woodland conservation worksheet to correctly reflect the woodland conservation required and fulfilled for the site.
- i. Have the revised plan signed and dated by Qualified Professional who prepared it.
- 3. Prior to the approval of the first building permit for RM-3 and RM-4, all afforestation/ reforestation planting, permanent tree protection fencing, and signage shall be installed completed.
- 4. Prior to the approval of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$1,246,968 (\$4,968 x 251 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Prince George's County Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,968 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

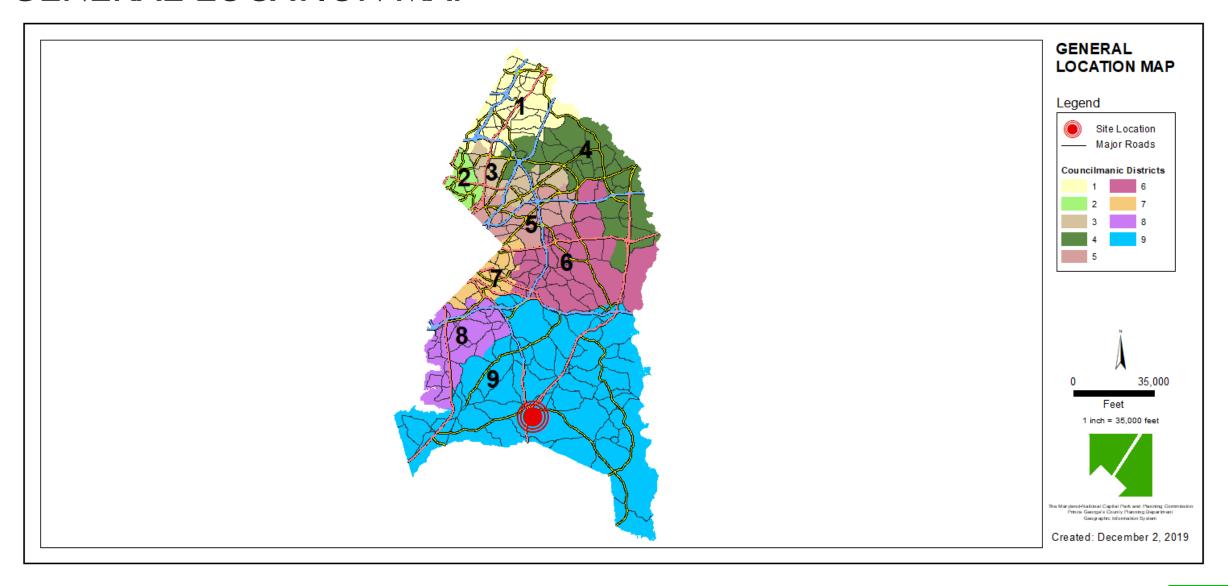
ITEM: 7

CASE: SDP-1701-03

TIMOTHY BRANCH

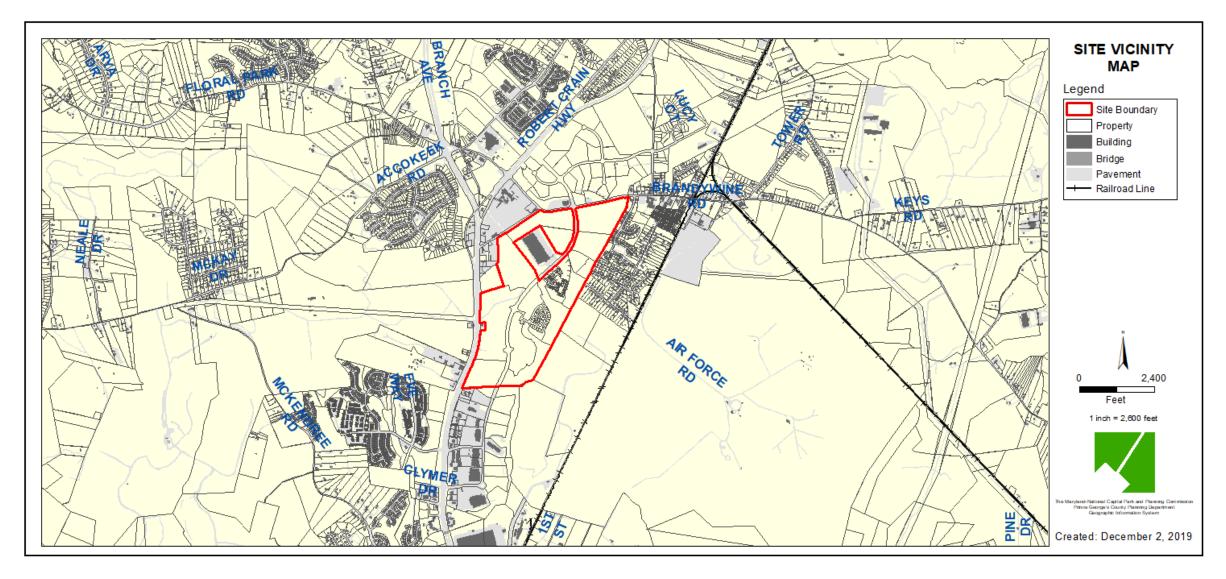


GENERAL LOCATION MAP



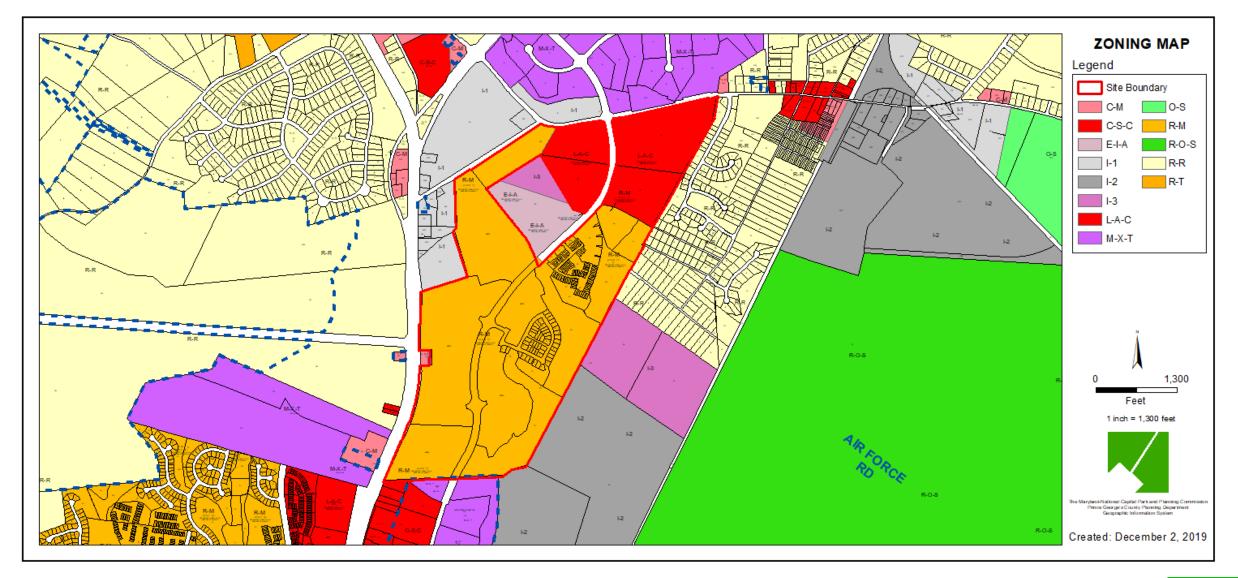


SITE VICINITY



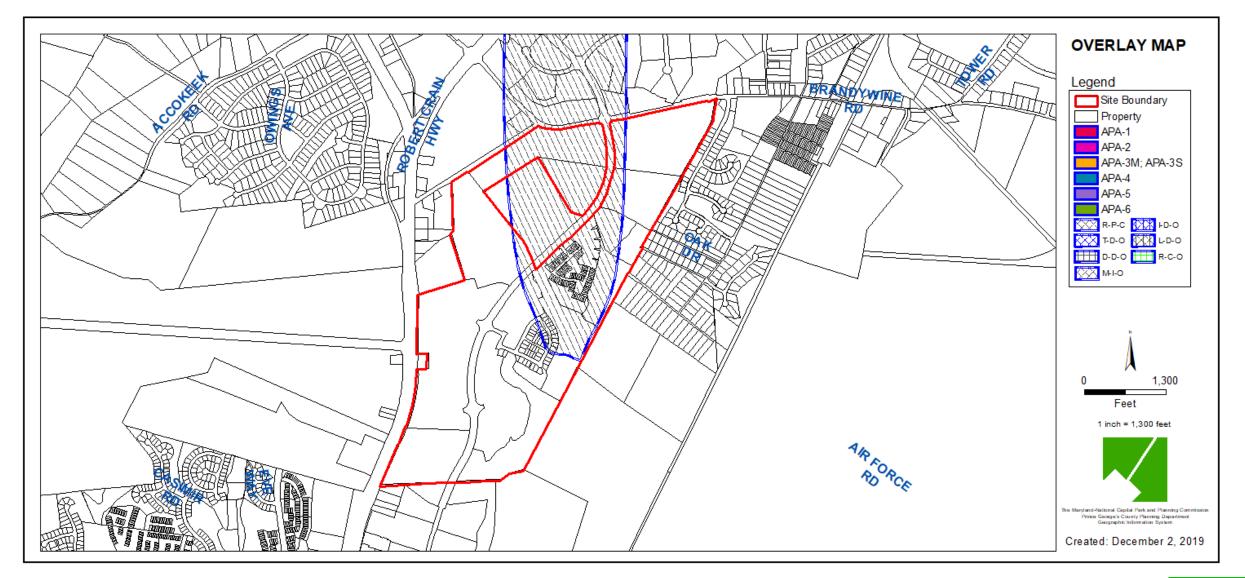


ZONING MAP





OVERLAY MAP



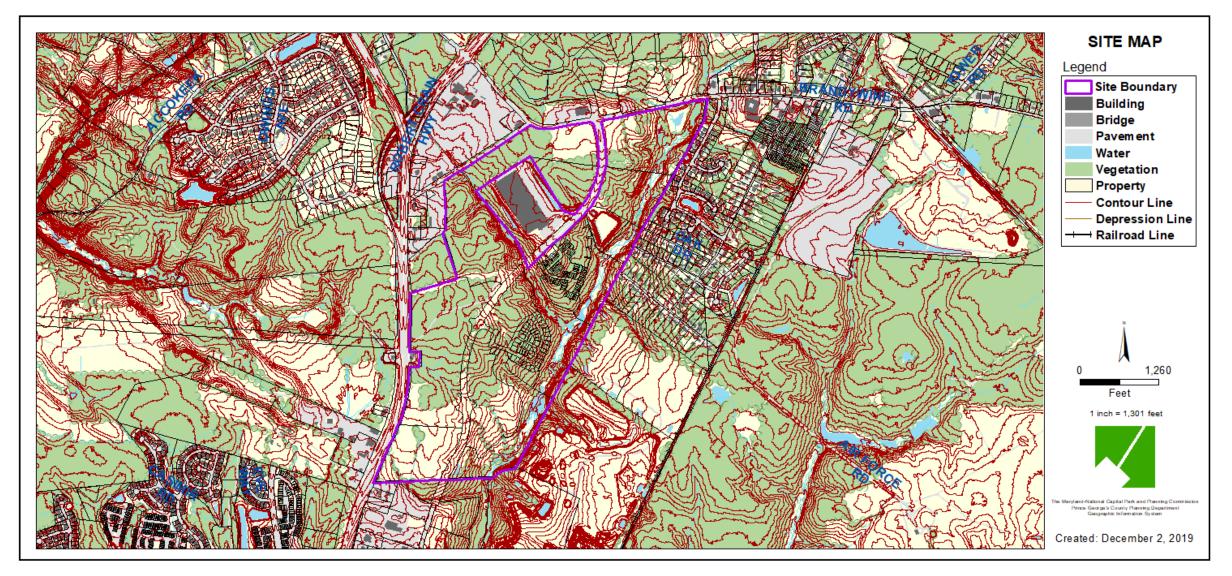


AERIAL MAP



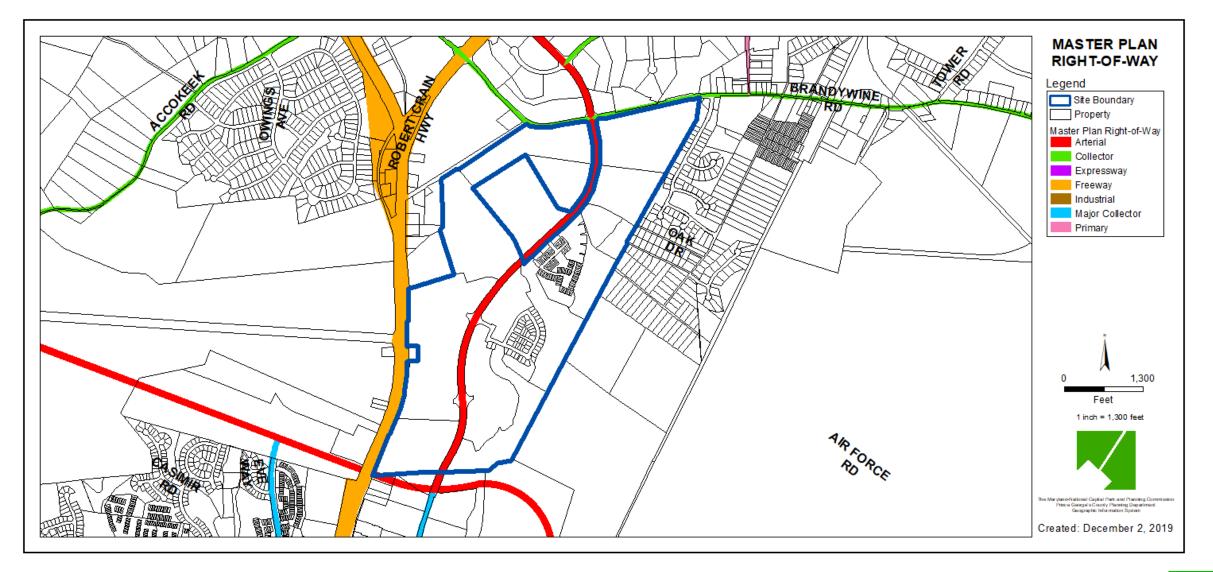


SITE MAP





MASTER PLAN RIGHT-OF-WAY MAP





OVERALL RENDERING (RM-3 & RM-4(N) OUTLINED)



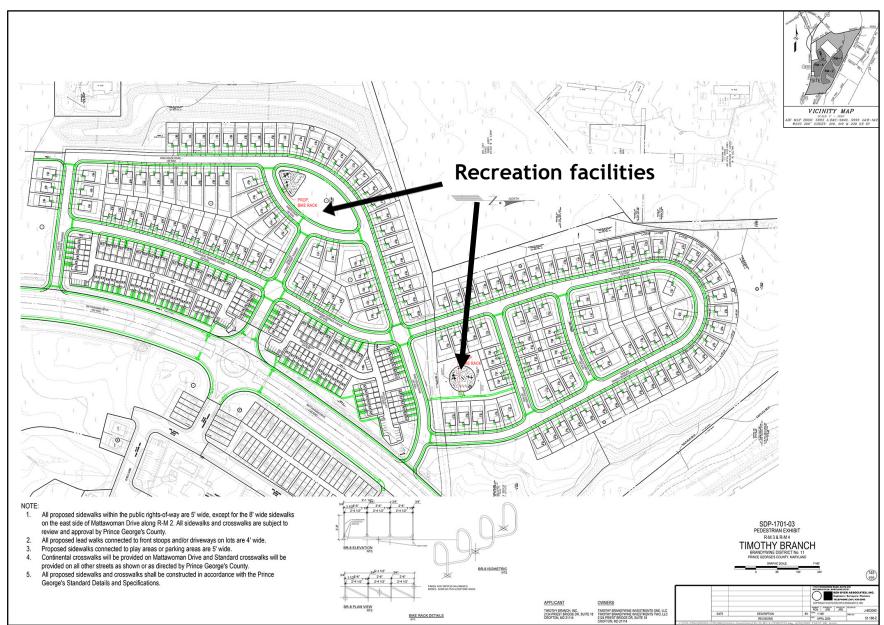
RM-3 AND RM-4(N)





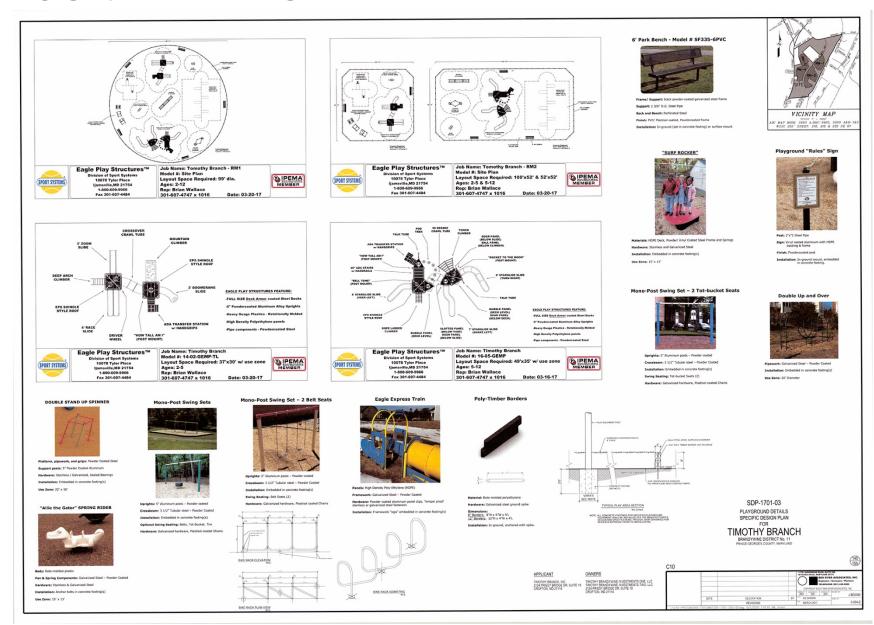
■■ APARTMENT

PEDESTRIAN EXHIBIT

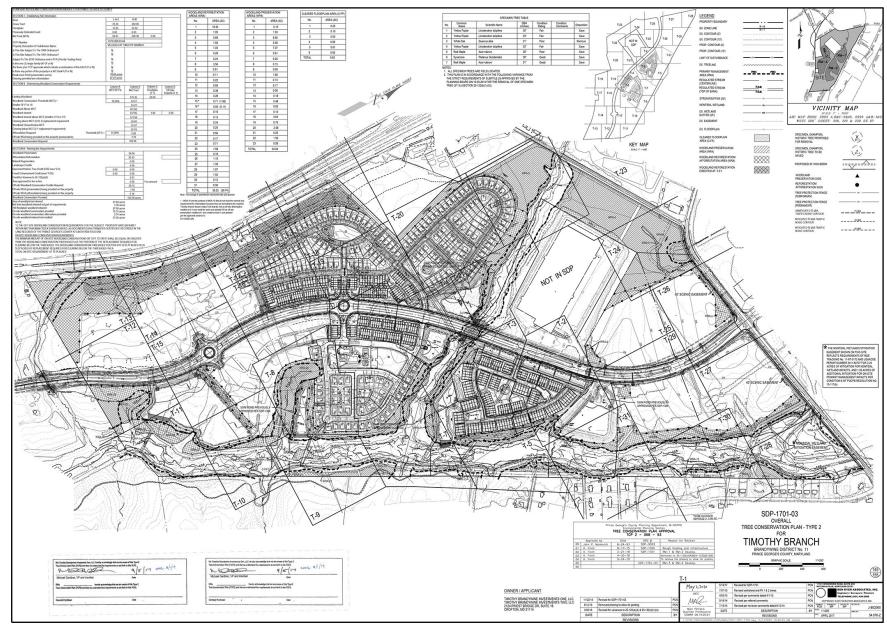




PLAYGROUND DETAILS



OVERALL TYPE II TREE CONSERVATION PLAN





AGENDA ITEM: 7 AGENDA DATE: 6/11/2020

STATEMENT OF JUSTIFICATION SDP-1701-03

Timothy Branch

APPLICANT:

Timothy Branch Inc.

2124 Priest Bridge Drive, Suite 18

Crofton, Maryland 21114

OWNER:

Timothy Brandywine Investments One, LLC Timothy Brandywine Investments Two, LLC

2124 Priest Bridge Drive, Suite 18

Crofton, Maryland 21114

ATTORNEY/

CORRESONDENT:

Matthew C. Tedesco, Esq.

McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.

6411 Ivy Lane, Suite 200 Greenbelt, Maryland 20770 (301) 441-2420 Voice (301) 982-9450 Fax

CIVIL ENGINEER:

Ben Dyer Associates, Inc.

11721 Woodmore Road, Suite 200

Mitchellville, MD 20721

(301) 430-2000

REQUEST

The approval of a revision of the specific design plan in accordance with Comprehensive Design Zones for Residential Development in RM-3 and a portion of RM-4, which are located

on the west side of Mattawoman Drive.

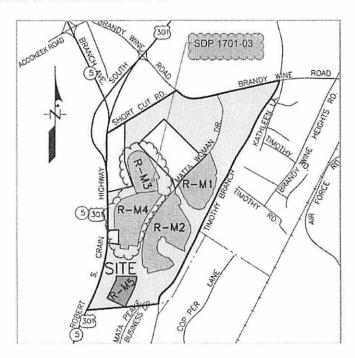
I. <u>DESCRIPTION OF PROPERTY</u>

- 1. Current Addresses 14700, 14708, and 15000 SE Crain Highway, and 14200, 14201, 14211, 14300, 14500, and 14600 Mattawoman Drive, Brandywine, MD, 20613
- 2. Proposed Use 96 single-family attached (townhouses), 30 single-family semidetached (duplexes), and 125 single family detached. The total dwelling units proposed with SDP-1701-03 is 251 dwelling units within RM-3 and a portion of RM-4.
- 3. Election District 11
- 4. Councilmanic District 9
- Current Parcels Parcels A-G as recorded with Plats VJ 172-51, VJ 172-52, and VJ 180-31, and Lots 1-19, 30-46, 58-113 and Parcels 1-3, and Parcels A-I, Block C; Lots 5-28 and Parcels B-D, Block D; Lots 1-15, Block G; Lots 1-14, Block F; and Outlots B-D as recorded with Plats SJH 245-82, SJH 249-38, SJH 249-39, SJH 249-40, and SJH 249-41.

- 6. Total Area 72.43 acres of land zoned L-A-C and 261.75 acres of land zoned R-M, for a gross total of 334.18 acres. The subject application is for a portion of the overall property within the R-M Zoned land (to wit RM-3 and a portion of RM-4).
- 7. Tax Map & Grid 145 Grids A-4, B-3 & 4; 155 Grids A-1 & 2 and B-1 & 2.
- 8. Location Located on the east side of US 301/MD 5 and on the south side of Brandywine Road, approximately 1,000 feet east of its intersection with Short Cut Road.
- 9. Existing Zones L-A-C and R-M (overall). RM-3 and RM-4 are in the R-M Zone.
- 10. WSSC 200 Sheet 218, 219 & 220SE07, and 218 & 219SE08.
- 11. Archived 2002 General Plan Tier Developing.
- 12. Sustainable Growth Act, Plan Prince George's 2035 Tier 1
- 13. General Plan Growth Policy Area Established Communities.

II. APPLICANT'S PROPOSAL

Timothy Branch (formerly "Villages at Timothy Branch"), in its entirety, is a master-planned comprehensively designed residential community complemented by a nearby existing commercial/retail center along with office and flex space to the south. The review and approval of SDP-1701 included the overall Timothy Branch Development. The review included residential architecture, recreational amenities and signage for the overall development, however, development was only proposed within areas R-M 1 and R-M 2. SDP-1701-02 is for the addition of architectural models for the overall development. The specific nature of the review of SDP-1701-03 is to accommodate a revision of the specific design plan in accordance with Comprehensive Design Zones for Residential Development in RM-3 and a portion of RM-4, which are located on the west side of Mattawoman Drive.



III. COMMUNITY

The subject property is located in Planning Area 85A within Councilmanic District 9. More specifically, the overall site is located on the east side of Robert S. Crain Highway (US 301/MD 5), in the southeast quadrant of its intersection with Brandywine Road. The overall property is split zoned between the Local Activity Center (L-A-C) Zone to the north and the Residential Medium Development (R-M) Zone to the south. The two residential pods, RM-3 and the portion of RM-4, that are the subject of SDP-1701-03, are located within the R-M Zone.

The overall property is surrounded by the following uses:

- North: Brandywine Road, and beyond a medical office building (MedStar Health at Brandywine) in the I-1 Zone, and vacant land in the M-X-T Zone.
- South: Vacant land in the C-M and R-R Zones, and beyond various commercial/retail and office uses in the C-S-C Zone and M-X-T Zone.
- East: Timothy Branch Stream Valley, and beyond existing single family detached residential in the R-R Zone, and the Soil Safe Inc. in the I-3 and the I-2 Zones.
- West: Industrial uses in the I-1 Zone, a service station in the C-M Zone, Robert S. Crain Highway (US 301/MD 5), and beyond vacant land in the M-X-T Zone and industrial use in the C-S-C Zone.

IV. GENERAL CRITERIA FOR SDP APPROVAL

Section 27-530. - Amendments.

- (a) All amendments of approved Specific Design Plans shall be made in accordance with the provisions of this Division for initial approval, except as set forth below.
- (b) The Planning Director (or designee) may approve a minor amendment in the location of structures shown on an approved Specific Design Plan due to an engineering necessity if the Planning Director finds that:
 - (1) It is in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and
 - (2) It does not increase the floor area ratio.
- (c) A minor amendment to an approved Specific Design Plan for the purpose of making home improvements may be requested by a homeowner (or authorized representative) and approved by the Planning Director (or designee), in accordance with the following procedures:
 - (1) Filing. The applicant shall submit a site plan and any other material deemed necessary to properly detail the requested modifications.
 - (2) Fee. At the time the application is filed, the applicant shall pay a fee to cover the costs of processing the request. The fee shall be established by the Planning Board. In cases of financial hardship, the fee may be waived by the Planning Board.
 - (3) Criteria for granting minor amendments. A minor amendment may only be granted if the requested modifications:
 - (A) Are located within the approved Comprehensive Design Plan building lines and setbacks or any approved amendments to the Comprehensive Design Plan;
 - (B) Are in keeping with the architectural and site design characteristics of the approved Specific Design Plan; and

(C) Will not substantially impair the intent, purpose, or integrity of the approved Comprehensive Design Plan.

(d) Appeal.

- (1) The decision of the Planning Director (or designee) may be appealed to the Planning Board. Application for appeal may be made when it is claimed that the true intent of the Comprehensive and Specific Design Plans or of this Subtitle have been incorrectly interpreted or applied. Notice of such appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the Planning Director.
- (2) Hearing. The Planning Board shall conduct a hearing pursuant to its Rules of Procedure.
- (3) Findings.
 - (A) The Planning Board may grant the minor amendment in accordance with the criteria set forth in Subsections (b) and (c), above.
 - (B) The Planning Board shall approve, approve with modification, or disapprove the requested amendments, and shall state its reasons for the action. The Planning Board's decision (resolution) on the minor amendment shall be sent to all persons of record in the hearing before the Planning Board.
- (e) In the event that a minor amendment requires an amendment of both the approved Comprehensive Design Plan and Specific Design Plan, the amendment shall be combined and processed in accordance with the provisions of Section 27-524.

COMMENT: SDP-1701-03 is requested to be reviewed and approved by the Planning Board, as required by Section 27-530(a) in accordance with the initial approval. The amendment is not due to an engineering necessity, is not a request by an individual homeowner, and is not an appeal of a decision by the Planning Director. This amendment is filed on conjunction with an amendment to the comprehensive design plan for the R-M Zone, which is case number CDP-0902-01.

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

(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: SDP-1701-03 satisfies the findings above; in as much as SDP-1701 and SDP-1701-01 conformed to the same. SDP-1701-03 is to accommodate a revision of the specific design plan in accordance with Comprehensive Design Zones for Residential Development in RM-3 and a portion of RM-4. SDP-1701-03 is not located within a Regional Urban Community. The entirety of the development was tested for adequate public facilities during the review of the preliminary plan of subdivision, which was adopted by the Planning Board on March 19, 2015 (PGCPB No. 10-117(A/I)). The project's participation in the Brandywine Road Club ("Road Club") was conditioned in the Preliminary Plan, with Conditions 19 and 20. The recent adoption of CR-9-2017 not only further confirms the use of the Road Club, but also reprioritizes Road Club improvements by elevating the construction of the Spine Road (Mattawoman Drive/A-63) through the subject property to the top of the priority list. The development proposed has an approved stormwater concept plan, and surface water drainage will not adversely affect the subject property or adjacent properties. A Type II Tree Conservation Plan was approved with SDP-1701, and will not be affected by the residential development proposed with SDP-1701-03. Through the preliminary plan review process, this plan demonstrated that the regulated environmental features were preserved to the fullest extent possible, in accordance with the requirements of Subtitle 24-130(b)(5).

V. CONFORMANCE WITH DEVELOPMENT STANDARDS

As it relates to the requests made in SDP-1701-03, an amendment to the comprehensive design plan is in review to revise certain design standards in order to accommodate the proposed residential development. In accordance with Section 27-530(e), CDP-0902-01 will be combined and processed with the SDP-1701-03 review.

VI. APPLICABLE CONDITIONS OF APPROVAL

CONFORMANCE WITH prior conditions of approval:

Basic Plan A-9987-C/A-9988-C

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

COMMENT: SDP-1701 shows the Master Plan hiker-biker-equestrian trail as a 10-foot-wide asphalt hiker-biker trail with an adjacent four-foot-wide turf verge for equestrian use, within close proximity to the adjacent development envelopes. SDP-1701-03 does not proposed to alter this location, and therefore, is in conformance with this condition

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

COMMENT: Throughout the previous and extensive review processes, the location of A-55 has changed many times. The current location for A-55 is to the south of the Timothy Branch project boundaries. This condition is no longer applicable due to the recent realignment of A-55, as Timothy Branch no longer has any frontage along A-55.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

COMMENT: SDP-1701-03 shows a five foot wide sidewalk on the west side of Mattawoman Drive. This condition is met for this portion of the western side of Mattawoman Drive.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

COMMENT: SDP-1701-03 provides standard sidewalks along both sides of the internal streets and provides the trail connectors, if any, as required. This condition has been met.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

COMMENT: The woodland conservation for SDP-1701-03 will be provided through 77.11 acres of onsite conservation and 26.15 acres of off-site woodland conservation. This condition has been met.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

COMMENT: This condition has previously been satisfied with prior approvals and is no longer applicable.

Comprehensive Design Plan CDP-0901

SDP-1701-03 is specific to the R-M portions of the Timothy Branch development. The conditions included with CDP-0901 are not applicable to this review.

Comprehensive Design Plan CDP-0902

1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.

COMMENT: SDP-1701-03 conforms to this condition. (See above).

2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

COMMENT: SDP-1701-03 is within the trip cap previously established; therefore, this condition is met.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

COMMENT: SDP-1701-03 conforms to this condition.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

COMMENT: SDP-1701-03 does not propose multifamily development. This condition is not applicable.

5.c. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE¹

TELOED ETTEL COLD	10 1.12 201.12				
	One-family detached	Two-family attached	Single-family semidetached ^{8,} 9	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage - corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from					
Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from					
Robert Crain Highway (US 301)	\mathbf{TBD}^{10}	TBD^{10}	$\mathbf{TBD^{10}}$	$\mathbf{TBD^{10}}$	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

ACCESSORY BUILDINGS—R-M ZONE

Maximum Lot Coverage (%)	25		
Minimum setback from front street line	60 feet		
Minimum setback from side lot line	2 feet		
Minimum setback from rear lot line	2 feet		
Corner lot - Minimum setback from side street line			
(along which an abutting lot fronts)	10 feet		
Corner lot - Minimum setback from side street line			
(along which an abutting lot does not front)	7 feet		
Maximum building height above grade	15 feet		
Note: No accessory building shall be located closer to the street line than the main building.			

d. A note shall be added to the plans and the comprehensive design plan document shall be revised to include a note stating that the requirements of Section 4.7 of the *Prince George's County Landscape Manual* shall be used as a starting point or minimum for the provision of an adequate separation between incompatible uses, at the perimeter of the site. The requirement may be increased as necessary so as to ensure compatibility between incompatible uses at the time of approval of the specific design plan.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

- e. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.
 - (2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.
 - (3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.
 - (4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
 - (5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.
 - (6) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive and those that are determined at SDP to have highly visible corner facades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
 - (7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco, or other masonry materials of equivalent quality.
 - (8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.
 - (9) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

COMMENT: These design standards are proposed to be modified with the review of CDP-0902-01. SDP-1701-03 is in conformance with the development standards proposed with CDP-0902-01.

7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.

COMMENT: A Stormwater Management Concept Approval extension, Case # 11355-2009-00, was obtained for this property on May 9, 2017, and is valid through May 9, 2020.

8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

COMMENT: The woodland conservation for SDP-1701-03 will be provided through 77.11 acres of onsite conservation and 26.15 acres of off-site woodland conservation. This condition has been met.

12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

COMMENT: SDP-1701 was submitted without a plan or proposal for primary management (PMA) mitigation because a nontidal wetland area of 3.5 acres is protected on the site, which was 1.26 acres more than the permitting requirement. No additional PMA mitigation will be required. The MDE tracking number is 11-NT-0173 and the ACOE permit number is 2011 60707, AI No. 134217.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

COMMENT: A variance was approved by the Planning Board on October 23, 2014 (see SDP-1304) for the removal of Specimen Tree No. 3, this condition has been addressed.

14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

COMMENT: The Stormwater Concept approval number that reviewed and approved credit for woodland conservation planting occurring within a stormwater management easement was 11355-2009-00. The technical approval that allowed planting within the easement areas was Permit # 35729-2009. This condition has been addressed.

16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

COMMENT: The Tree Canopy Coverage schedule is provided on Sheet L9.1. SDP-1701-03 exceeds the requirement by 1,828,926 square feet.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

COMMENT: The Phase II Noise Analysis for areas RM-3 and RM-4, dated December 19, 2019, is included for review with SDP-1701-03. RM-3 and RM-4 will include public outdoor activity areas and rear yards for duplexes and single family homes. All townhomes will be rear-load and offer no rear yard. With the construction of the planned berm and two additional noise barriers along Crain Highway (see Phase II Noise Analysis), noise levels will be below 65 dBA Ldn in all public and private outdoor activity areas. Residences closest to Mattawoman Drive will be exposed to noise levels up to 71 dBA Ldn, while residences closest to Crain Highway will be exposed to noise levels up to 68 dBA Ldn; however, not all residences impacted by noise levels above 65 dBA Ldn will require modifications to proposed building construction in order to maintain interior noise levels below 45 dBA Ldn. Ryan Homes' standard building construction to be used at RM-3 and RM-4 will be capable of reducing noise levels up to approximately 66 to 67 dBA Ldn to an interior level of 45 dBA Ldn depending upon the home model, such that the Ryan Homes' standard exterior wall construction and window/door products selected for RM-3 and RM-4 can be used in a majority of the residences. Modifications to Ryan Homes' standard building construction will be limited to the 42 townhomes closest to Mattawoman Drive and 15 single family detached homes closest to Crain Highway. For these residences, modifications will be limited to upgraded windows and doors (where applicable). If these residences are built using the specified STC rated building elements, all RM-3 and RM-4 residences will be in compliance with the 45 dBA Ldn limit. SDP-1701-03 conforms to this condition.

Preliminary Plan of Subdivision 4-09003

- 3. Prior to approval of the SDP, the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.
- 9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior for residential units throughout the site.
- 10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.
- 11. Applications for building permits for lots and structures identified on the SDP requiring noise mitigation measures shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for residential units.

COMMENT: The Phase II Noise Analysis for areas RM-3 and RM-4, dated December 19, 2019, was included for review with SDP-1701-03. RM-3 and RM-4 will include public outdoor activity areas and rear yards for duplexes and single family homes. All townhomes will be rear-load and offer no rear yard. With

the construction of the planned berm and two additional noise barriers along Crain Highway (see Phase II Noise Analysis), noise levels will be below 65 dBA Ldn in all public and private outdoor activity areas. Residences closest to Mattawoman Drive will be exposed to noise levels up to 71 dBA Ldn, while residences closest to Crain Highway will be exposed to noise levels up to 68 dBA Ldn; however, not all residences impacted by noise levels above 65 dBA Ldn will require modifications to proposed building construction in order to maintain interior noise levels below 45 dBA Ldn. Ryan Homes' standard building construction to be used at RM-3 and RM-4 will be capable of reducing noise levels up to approximately 66 to 67 dBA Ldn to an interior level of 45 dBA Ldn depending upon the home model, such that the Ryan Homes' standard exterior wall construction and window/door products selected for RM-3 and RM-4 can be used in a majority of the residences. Modifications to Ryan Homes' standard building construction will be limited to the 42 townhomes closest to Mattawoman Drive and 15 single family detached homes closest to Crain Highway. For these residences, modifications will be limited to upgraded windows and doors (where applicable). If these residences are built using the specified STC rated building elements, all RM-3 and RM-4 residences will be in compliance with the 45 dBA Ldn limit. SDP-1701-03 conforms to this condition.

14. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by M-NCPPC for adequacy and proper siting at the time of specific design plan.

COMMENT: CDP-0902 conditioned that a 7,500 sq. ft. multiage playground was to be developed within area RM-3, and a 20,000 sq. ft. open plat area was to be developed within area RM-4. SDP-1701-03 proposes a multiage play area within Block M of RM-3, and an open play area within Block Q of RM-4. SDP-1701-03 conforms to this condition.

- 17. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
 - e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.
 - f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.
 - g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
 - h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.
 - j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.

k. Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.

COMMENT: SDP-1701-03 proposes a 5-foot-wide sidewalk along the west side of Mattawoman Drive, and pedestrian refuges are approved at its intersection with General Greene Street. Standard sidewalks are proposed along both sides of the internal residential roads.

- 19. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.
- The applicant and the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward construction of these off-site transportation improvements shall be payment of the following:

For each non-residential unit, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family unit, a fee calculated as \$1,306 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multifamily unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of the issuance of building permits. Prior to the issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Installing a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Making minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstructing the traffic signal at US 301/MD 381.
- f. Installing a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Providing a grade separation at the point the spine road crosses US 301 northeast of T.B.

- h. Reconstructing the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63, north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

COMMENT: Pursuant to prior approvals and the County Council's recent adoption of CR-9-2017, the Applicant will participate in the Brandywine Road Club as provided above or as further modified by CR-9-2017. A phasing of improvements has been submitted to the Transportation Planning Section., and construction of the Spine Road (A-63) is under constructions – with an expected completion sometime in in late 2020.

21. Total development of the overall site shall be limited to uses that would generate no more than 1,269 AM and 1,775 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

COMMENT: SDP-1701-03 proposes 251 dwelling units. Adding this with the previously approved 323 dwelling units would total 574, which is well within the overall trip cap approved in 4-09003. Please see "Lenhart Traffic Consulting, Inc." memorandum that analyzes the development proposed with SDP-1701-03 and SDP-1701-04 (multifamily). Added to the development approved with SDP-1701 and SDP-1701-01, the applicant is well within the approved trip cap. This condition is met.

- 22. All appropriate specific design plans shall limit access to A-63 as follows:
 - a. Any public or private streets shown on the approved preliminary plan.
 - b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.
 - c. A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.

COMMENT: SDP-1701-03 is in conformance with these conditions by showing the road connections similarly as they were located on the approved preliminary plan (4-09003). The L-A-C and RM-5 portions of the property are not subject to SDP-1701-03 review, but will be included in future SDP applications.

- 24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.
- 25. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

COMMENT: The Historic Preservation Section has confirmed that the final report was submitted, as required. SDP-1701 included interpretive signage details and locations for review and approval. This condition is satisfied.

27. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

COMMENT: The conditions of A-9988-C are addressed in this statement of justification.

29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each future plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.

COMMENT: A Development Tracking Chart is located on Sheet C-13 that records the number and the various types of residential units as well as the amount of commercial floor area. SDP-1701-03 complies with this condition.

32. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.

COMMENT: SDP-1701-03 proposes the naming of eight streets. The majority of the street names are from a list of approved street names provided to the applicant by the Historic Preservation Section of Countywide Planning Division. SDP-1701-03 complies with this condition.

Specific Design Plan for Infrastructure SDP-1304

The conditions of approval for SDP-1304 consisted of requested plan revisions and requirements prior to grading permits, and are not residential architecture specific. The conditions included with SDP-1304 are not applicable to this review.

Specific Design Plan SDP-1701 and SDP-1701-01

SDP-1701-03 is specific to the R-M portions of the Timothy Branch development that are located on the western side of Mattawoman Drive, which are specifically areas RM-3 and a portion of RM-4. The SDP-1701 and SDP-1701-01 reviews proposed residential development on the eastern side of Mattawoman Drive. The conditions included with SDP-1701 and SDP-1701-01 were specific to the RM-1 and RM-2 development areas, and are not applicable to this review.

Specific Design Plan SDP-1701-02

SDP-1701-02 was limited in nature to add architecture for a new 24-foot-wide townhouse model, The Wexford, and to add a new elevation for the Ballenger duplex. This amendment is in the pre-review process, and is expected to be a staff level review. It is anticipated that all the architectural models approved with the prior SDP cases would be available for the dwelling units proposed with SDP-1701-03. No new architecture is proposed with this application.

VI. CONCLUSION

The applicant respectfully requests the approval of this Specific Design Plan (SDP-1701-03) to accommodate a revision of the specific design plan in accordance with Comprehensive Design Zones for proposed Residential Development in RM-3 and a portion of RM-4. Based on the foregoing, as well as the specific design plan package filed in conjunction with this application, and all evidence that has or will be submitted into the record, this application, and the requests herein, satisfy Sections 27-530 and 27-528 of the Zoning Ordinance and the conditions of approval of A-9987-C, A-9988-C, CDP-0901, CDP-0902, 4-09003, SDP-1304, SDP-1701, and SDP-1701-01. Accordingly, the applicant contends, and respectfully requests, that the Planning Board approve SDP-1701-03.

Respectfully submitted,

McNamee Hosea

Matthew C. Tedesco, Esq.

Date: April 27, 2020

Case No.: A-9987-C and A-9988-C

Applicant: Timothy Brandywine One, LLC

& Timothy Brandywine Investments

Two, LLC

(Project Name – Villages at Timothy Branch)

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

ZONING ORDINANCE NO. 17 - 2008

AN ORDINANCE to amend the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, by rezoning property to the R-M Zone and the L-A-C Zone, with conditions.

WHEREAS, Application No. A-9987 was filed for approximately 262 acres of land in the I-3 and E-I-A Zones, located east of U.S. 301/MD 5, on the south side of Mattawoman Drive, north of Matapeake Drive, in Brandywine, Maryland, to rezone the property to the R-M Zone; and

WHEREAS, Application No. A-9988 was filed for approximately 72 acres of land in the I-3 and E-I-A Zones, located on the south side of Short Cut Road and Brandywine Road, in Brandywine, Maryland, to rezone the property to the L-A-C Zone; and

WHEREAS, the applications were advertised and the properties posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the applications were reviewed by the Technical Staff and the Planning Board, which filed recommendations with the District Council; and

WHEREAS, the Zoning Hearing Examiner held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record in both cases, the District Council has determined, based on consideration of the entire record, that the subject properties should be rezoned to the R-M (A-9987) and L-A-C (A-9988) Zones; and

WHEREAS, to protect adjacent properties and the general neighborhood, approval of the amended basic plan is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the recommendations of the Zoning Hearing Examiner as its findings and conclusions in this case, except that the last sentence of paragraph (5) on page 2 is hereby modified, to read as follows: "The village center will include residential, retail commercial, office, and warehouse and distribution uses, as well as light manufacturing and industrial flex space."

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. The basic plans for Application Nos. A-9987 and A-9988 are hereby amended, and, as amended, are approved, subject to the following land use types and quantities, conditions and considerations:

Land Use Types and Quantities:

A-9987:

Total area: 262± acres

Land in the 100-year floodplain:

Adjusted gross area:

Density permitted under the R-M Zone:

Permitted Dwelling Unit Range

19 acres
243 acres
3.6–5.7 du/ac
874.8–1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

A-9988:

Total area: 72± acres
Land in the 100-year floodplain: 8 acres
Adjusted gross area: 64 acres
Density permitted under the L-A-C Zone: 10–15 du/ac
Permitted dwelling unit range: 640 – 960 du
Floor area ratio: 0.2–0.4 FAR

Proposed commercial/employment: 220,000–270,000 sq. ft.

Proposed Land Use Types and Quantities:

One-family attached, townhouse and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Conditions

- 1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.
- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)"
- 3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

- 4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.
- 5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.
- 6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.
- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.
 - b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.
 - c. Show that bufferyards for residential pods generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the Comprehensive Design Plan process.
 - d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.
- 8. At the time of Comprehensive Design Plan the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of on site a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

- 9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.
- 10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.
- 11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.
- 12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park.

SECTION 2. The Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland, is hereby amended by rezoning the properties which are the subject of Application Nos. A-9987 (from the I-3 and E-I-A Zones to the R-M Zone) and A-9988 (from the I-3 and E-I-A Zones to the L-A-C Zone).

SECTION 3. BE IT FURTHER ENACTED that this Ordinance shall take effect initially on the date of its enactment, as conditionally approved, and shall become effective when the applicant accepts in writing the conditions in Section 1.

Enacted this 16th day of June, 2008, for initial approval, by the following vote:

In Favor: Council Members: Dean, Bland, Campos, Exum, Harrison, Knotts, Olson and Turner

Opposed: Council Member Dernoga	
Abstained:	
Absent:	
Vote: 8-1	
	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: Samuel H. Dean, Chairman
ATTEST:	
Redis C. Floyd Clerk of the Council	

Case No.: A-9987-C and A-9988-C

Applicant: Timothy Brandywine One, LLC

& Timothy Brandywine Investments

Two, LLC

(Project Name – Villages at Timothy Branch)

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

FINAL CONDITIONAL ZONING APPROVAL

AN ORDINANCE to incorporate the applicant's acceptance of conditional zoning and to grant final conditional zoning approval.

WHEREAS, the District Council in approving Application No. A-9987-C and A-9988-C, to amend the approved basic plan on the subject property, attached conditions; and

WHEREAS, the District Council, having reviewed the application and the administrative record, deems it appropriate to accept the applicant's consent to the conditions and to approve final conditional rezoning.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Final conditional zoning approval of Application No. A-9987-C and A-9988-C is hereby granted. The applicant's written acceptance of the conditions referred to above, at the time of initial conditional zoning approval, is hereby incorporated into this amendment of the Zoning Map for the Maryland-Washington Regional District in Prince George's County, Maryland.

SECTION 2. Use of the subject property as conditionally reclassified shall be subject to all requirements in the applicable zones and to the requirements in the conditions referred to above. Failure to comply with any stated condition shall constitute a zoning violation and

shall be sufficient grounds for the District Council to annul the rezoning approved herein; to revoke use and occupancy permits; to institute appropriate civil or criminal proceedings; or to take any other action deemed necessary to obtain compliance.

SECTION 3. This Ordinance is effective July 11th, 2008, the date of receipt of the applicant's acceptance of the conditions imposed.

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:	
	Samuel H. Dean, Chairman	
ATTEST:		
Redis C. Floyd	_	
Clerk of the Council		

Case No.: CDP-0902

VD-0902

Applicant: Timothy Brandywine

Investments One, LLC

Timothy Brandywine Investments Two, LLC

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

ORDER OF REMAND

IT IS HEREBY ORDERED, that application No. CDP-0902/VD-0902, a comprehensive design plan for 1,069 dwelling units in the R-M-zoned portion of The Villages at Timothy Branch, consisting of 101 single-family detached units, 80 one-family semidetached units, 368 one-family attached units, 312 two-family attached units, and 308 multifamily units, with variances from the maximum townhouse and multifamily dwelling unit percentage requirements, to a maximum of 50 percent for townhouses, and to a maximum of 25 percent for multifamily units, on property described as 262 acres of land in the R-M Zone, on the east side of US 301, southeast of its intersection with MD 5 and MD 381, Brandywine, is:

REMANDED to the Planning Board, to reconsider its decision and take further evidence or action as to the following issue:

(1) Technical staff for the Planning Board shall re-test the proposed development for transportation adequacy without the use of the Brandywine Road Club as a means of satisfying requirements of transportation adequacy. Instead, Planning Board technical staff shall apply the provisions of Section 24-124 of the Subdivision Regulations of Prince George's County, Maryland, the suspension of the Brandywine Road Club as adopted in CR-33-2011 and CR-61-2011, as well as the transportation mitigation guidelines to ensure that the proposed

development complies with the transportation adequacy standards recited therein, and that the development proposed in CDP-0902/VD-0902 will not excessively burden transportation public facilities.

facilities.		
Order	red this 23rd day of January	, 2012, by the following vote:
In Favor:	Council Members Campo	s, Davis, Franklin, Harrison, Lehman, Olson,
	Patterson and Toles.	
Opposed:		
Abstained:		
Absent:	Council Member Turner	
Vote:	8-0	
		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: Andrea C. Harrison, Chair
ATTEST: Redis C. Floy Clerk of the O		



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

March 24, 2015

Timothy Brandywine Investments One & Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114

Re: Notification of Planning Board Action on Comprehensive Design Plan – CDP-0902 The Villages at Timothy Branch

Dear Applicant:

This is to advise you that on March 19, 2015 the above-referenced Comprehensive Design Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Section 27-523, the Planning Board's decision will become final 30 calendar days after the date of the final notice **March 24**, 2015 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 any Person of Record in the case; 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.

Please direct any future communication or inquiries regarding this matter to Ms.Redis C. Floyd, Clerk of the Council, at the above address.

Very truly yours, Alan Hirsch, Chief

Development Review Division

Danie

Redis C. Floyd, Clerk to the County Council Persons of Record

PGCPB No. 10-110(A)

c:

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

PGCPB No. 10-110(A)

File No. CDP-0902

AMENDED RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

*WHEREAS, by letter dated February 11, 2015, the Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 20-27 and findings related to off-site recreational facilities at the Brandywine Area Community Park; and

*WHEREAS, on March 19, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on March 19, 2015, the Planning Board heard testimony regarding the reconsideration.

WHEREAS, in consideration of evidence presented at a public hearing on October 7, 2010, regarding Comprehensive Design Plan CDP-0902 for The Villages at Timothy Branch the Planning Board finds:

1. **Request:** The request in the subject application is for 1,069 dwelling units in the R-M-zoned portion of The Villages at Timothy Branch development distributed as follows: 101 single-family detached units, 80 one-family semidetached (duplex) units, 368 one-family attached a (townhouse) units, 312 two-family attached (two-over-two) units, and 208 multifamily units. Variances from the maximum townhouse and multifamily dwelling unit percentage requirements as stated in Section 27-515(b)(7), Footnote 29 of the Zoning Ordinance to a maximum of 50 percent for townhouses and to a maximum of 25 percent for multifamily units are also requested.

2. Development Data Summary

	EXISTING	APPROVED
Zone(s)	R-M	R-M
Use(s)	Vacant	Residential
Gross Acreage	262	262
Acreage in the 100-year floodplain	38	38
Adjusted gross acreage (minus 50% floodplain)	243	243
Number of Dwelling Units	0	1,069

OTHER DEVELOPMENT DATA—Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone		
Single-family Detached	9.45	101
Townhouses	34.42*	368
One-Family Semi-Attached Duplex	7.48	80
Two-Family Attached (Two-Over-Twos)	29.18	312
Multifamily	<u> 19.45†</u>	<u>208</u>
Total Units in the R-M Zone	99.98 or approximately 100%	1,069
*Not to exceed 50 percent		
†Not to exceed 25 percent		

- 3. **Location:** The larger Timothy Branch application, combined with the R-M- zoned (Residential Medium Development) CDP-0902, consisting of 334.26 acres is bounded to the north by Brandywine Road (MD 381), to the northwest by Short Cut Road, to the east by the Timothy Branch stream valley, to the south by vacant land and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones, and to the west by Robert Crain Highway, (US 301) a single-commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E), located in the central northern portion of the property which is zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. Specifically, the R-M zoned portion of the property CDP-0902, is located with the exception of three intervening industrial and one commercial parcel, on the eastern side of Robert Crain Highway (US 301), southeast of its intersection with Shortcut Road and Branch Avenue (MD 5). To the north of the subject property is an existing warehouse in the I-3 and E-I-A Zone, L-A-Czoned CDP-0901 and Brandywine and Shortcut Roads; to the east the Timothy Branch Stream Valley; to the west is US 301 (Robert Crain Highway; and to the south, vacant land and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones.
- 4. Surrounding Uses: The subject site is surrounded to the north by the portion of the site zoned L-A-C (Local Activity Center), by Parcel E in industrial use zoned I-3 Planned (Industrial/Employment Park) and E-I-A (Employment and Institutional Area), and by Brandywine and Shortcut Roads with I-1 (Light Industrial) parcels in industrial use beyond; by residential use and vacant land to the east; industrial use and vacant land to the south; and to the west by US 301 (Robert Crain Highway) with commercial, industrial, and vacant land beyond.
- 5. **Previous Approvals:** The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the R-R (Rural Residential) Zone to the I-3 and E-I-A (Employment-Industrial-Area) Zones. The 1993 Subregion V Approved Master Plan and Sectional Map Amendment

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

retained the property in the E-I-A and I-3 zoning categories. There were no conditions associated with these previous zoning approvals. Zoning Map Amendment A-9987, approved by the District Council on July 11, 2008, is a previously approved application affecting the subject property. The basic plan rezoned the property from the I-3 and E-I-A Zones to the R-M Zone.

Design Features: The 262 acres of land comprising this comprehensive design plan includes 6. Mattawoman Drive extended, a six-lane arterial classification roadway, which will provide a diagonal southwestern to northeastern spine through the development with residential pods grouped on either side. Multifamily units are located in the most southwesterly portion of the development, nearest the planned bus rapid transit or light rail station. The central portion of the development is organized to the northwest and the southeast of a traffic circle on Mattawoman Drive, with a recreational facility or center providing a focal point for each of the residential pods on either side of Mattawoman Drive. The residential dwelling types in the central pods of development on either side of Mattawoman Drive include single-family detached, single-family semidetached (duplex), townhouses, and two-family attached (two-over-twos). The most northern and western pod of the development is comprised of townhouses and single-family detached units and a combination of townhouses and two-family attached (two-over-twos). A recreational facility is specified in its center. The eastern pod of the development, located south of Mattawoman Drive, and directly across from an existing warehouse facility, has a majority of townhouses and some two-family attached units fronting Mattawoman Drive and is the most proximate to the L-A-Czoned portion of the development.

The applicant has ascribed nomenclature to five residential development sections on the R-M-zoned portion of the Villages at Timothy Branch. These sections, RM-1 through RM-5, are indicated on the staging plan (CDP-5). Sections RM-1 and RM-2 are located east of Mattawoman Drive. Sections RM-3, RM-4, and RM-5 are located on the west side of Mattawoman Drive.

Stormwater management is planned to be handled by six ponds, four proposed ponds located on the most eastern section of the R-M- zoned area, and one existing pond created in conjunction with the previously anticipated industrial park. One pond is located on the western side of existing Mattawoman Drive.

The applicant, in accordance with Condition 8(b) of the approved basic plan, *has committed to provide a fee in lieu of off-site recreation facilities. On March 19, 2015 the Planning Board approved a reconsideration of Conditions 20-27 related to off-site recreational facilities in the nearby Brandywine Community Park. [has committed to provide public recreational facilities at the nearby Brandywine Area Community Park.] On-site private recreational facilities to be proposed by the applicant include:

a. A community building and recreation center including:

- (1) A 25-meter pool
- (2) A wading pool
- (3) Bathhouse/pool facilities with community meeting space;
- b. One preschool-age playground (2,500 square feet);
- c. One school-age playground (5,000 square feet);
- d. Three multi-age playgrounds (7,500 square feet);
- e. One 100-foot by 200-foot open play area;
- f. Approximately 5,600 linear feet of an eight-foot-wide hiker/biker trail with a four-foot-wide cleared earth/turf equestrian sidepath.

Signs for the development will include gateway entrance features and may include informational and directional signs. In the comprehensive design plan document (p. 15), the applicant stated that a coordinated approach to the design of entrance feature signage will enhance the overall quality and appearance of the residential communities. Because the applicant has not specified how this will be accomplished, a condition below requires Urban Design approval of a comprehensive entrance feature signage plan prior to signature approval of the subject comprehensive design plan, as it is not sufficient to offer a determination of entrance feature design at the time of approval of each specific design plan. The intent of a comprehensive design plan is to provide a comprehensive approach to a design superior to that which would have been achieved by the standard applicability of Zoning Ordinance requirements as expressed in Section 27-614(f)(1) and Section 27-613(g)(1).

Density Increment

The permitted density range in the R-M Zone, 3.6 to 5.7 dwelling units per gross acre, is calculated by multiplying the base density allowed (in this case 3.6 units) by gross acre minus 50 percent of the land located within the 100-year floodplain.

In this case, the 262-acre site would be reduced by 19 acres (50 percent of the 38 acres of 100-year floodplain) resulting in an adjusted gross area of 243 acres multiplied by the permitted dwelling unit range of 3.6 to 5.7 for a sum of 875 to 1,385 units allowed. The application, proposes a total of 1,069 dwelling units, a 194 dwelling unit increase over the base dwelling unit range. Therefore, the applicant needs to justify this increase by use of public benefit features. More particularly, the calculations are as follows:

194 dwelling units divided by the base residential density allowed per acre (194 dwelling units divided by 875 base units) represents an increase in density of approximately 22 percent over the base density of the zone.

The public benefit features that the applicant is offering for the R-M-zoned portion of the Villages of Timothy Branch covered by this comprehensive design plan in order to justify the 22 percent increase in residential density include:

- Provision of open space;
- Enhancing physical features;
- Creating a workable pedestrian network;
- Developing open space with recreational development; and

For each of the above public benefit features, the applicant is requesting the full increase allowance in dwelling units allowed by the Zoning Ordinance or 25 percent for open space, 2.5 percent enhancing existing physical features, 5 percent for provision of a pedestrian system and, 10 percent for recreational development of open space.

Zoning Ordinance Density Increment Provision	Applicant's Proposed Qualifying Plan Features	Staff's Response
For open space land at a ratio of at least 3.5 acres per 100 dwelling units, an increment factor may be granted, not to exceed 25 percent in dwelling units (This open space land should include any irreplaceable natural features, historic buildings, or natural drainage swales located on the property).	The plan proposes approximately 141 acres of open space, or approximately 15 acres per 100 dwelling units. The open space includes space for recreational facilities, buffers, woodland conservation areas, the stream valley of the Timothy Branch and natural drainage areas on the property.	Staff agrees that the application warrants the granting of the full 25 percent density increment as requested. Based on the calculation, the applicant is required to have a minimum of 37.5 acres of land that is unregulated open space and useable open space by the residents. This application will include approximately 45 acres of usable not including other regulated lands such as steep slopes, 100-year floodplain, stormwater management, and wetland areas, not otherwise required to be left as open space and not to be used for parking lots.
For enhancing existing physical features (such as break-front treatment of waterways, sodding of slopes susceptible to erosive action, thinning and grubbing of growth, and the like), an increment factor may be granted, not to exceed 2.5 percent dwelling units	The plan proposes to enhance the existing physical features by minimizing impacts to wetlands, streams, steep slopes and floodplain. Concentrated stormwater flows will be limited to ponds outfalls. Perimeter areas will be graded as necessary to promote stormwater sheet flow to undisturbed areas.	Staff does not agree that the application warrants granting of density increments for enhancement of physical features. The application does not provide for any enhancement above those measures already require by law to protect the physical features of the site. Therefore, staff does not recommend the granting of any increments for the enhancement of physical features on the site.

For a pedestrian system separated from vehicular rights-of-way, an incremental factor may be granted, not to exceed 5 percent in dwelling units The plan proposes a pedestrian circulation system generally separated from vehicular rights-of-way. All public rights-of-way will have standard sidewalks along both sides which with be separated and elevated from the vehicular traffic. A Master Planned Hiker Biker Equestrian Trail is proposed along the Timothy Branch Stream Valley for the entire length of the development. Neighborhood pedestrian paths are proposed throughout the development to connect the Stream Valley Trail to the public sidewalk system. The three pedestrian routes together comprise a comprehensive pedestrian system through the R-M portion of the Villages at Timothy development.

Staff agrees that the application warrants the granting of a 5 percent density increment. The plan is proposing a master plan trail along Timothy Branch that is approximately 5,600 linear feet of eight-foot-wide trail, as indicated on the comprehensive design plan. A pedestrian trail system will connect all of the pods of development on the east side of Mattawoman Drive to the Timothy Branch Trail so that the residents and public will have an alternative access to the commercial area within the adjacent L-A-C CDP and/or a loop configuration that will connect to bike ways and sidewalks developed as part of the project.

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 percent in dwelling units.

For the 1,069 dwelling units proposed in the five residential development pods, recreational space and private recreational facilities will be provided in phase with development. Recreational space and facilities including master plan trails, as well as off site facilities provided at the nearby Brandywine Area Community Park will be designed in accordance with the Parks and Recreation Facilities Guidelines.

Staff disagrees that the application warrants the granting of density increments for recreational development of open space. The applicant proposes a range of recreational facilities distributed throughout the site, including a swimming pool/bathhouse, two tennis courts, and six to seven playgrounds for homeowners. These private recreational facilities will meet the requirements of mandatory dedication per Subtitle 24. Since this is otherwise required, it may not be counted toward density increments.

In summary, the applicant requested approval of 42.5 percent density increments over the base density of the R-M Zone, even though in order to achieve the density as proposed on the comprehensive design plan is only 22 percent. Based on the analysis of the comprehensive design plan, the total density increment requested for the provision of open space and for the provision of a pedestrian system separated from vehicular rights-of-way is granted. The density increase of 30 percent exceeds the requested 22 percent needed for the development of the total number of units proposed of 1,069 units.

Staging Plan

The staging plan for the development as it affects the R-M-zoned portion of the Villages of Timothy Branch site includes a phase for grading and infrastructure that will include the extension of Mattawoman Drive. Infrastructure improvements will include extension of water, sewer and gas lines, and the placement of stormwater collection and storage facilities. The majority of residential and recreational development is planned to occur in stages one through seven as defined at page 43 of the comprehensive design plan. Stage One is specified for the year 2012, with each subsequent phase staged by a whole number, making Stage Seven sought to be accomplished by

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

2018. The various land use/development pods in the R-M Zone, as shown on the comprehensive plan drawing (CDP-2), are identified on the staging plan drawing (CDP-4) in five sections. These sections are identified as RM-1 through RM-5.

The resident population of the R-M-zoned portion of the Villages of Timothy Branch is expected to be approximately 2,910. This estimate is arrived at by utilizing the population multipliers of 2.956 per dwelling for the multifamily units and 2.665 for the single-family units for Planning Area 85A.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9987:** Zoning Map Amendment A-9987-C was approved by the District Council of Prince George's County on July 11, 2008. The relevant conditions of that approval are listed in bold face type below and are followed by staff comment.

Land Use Types and Quantities:

A-9987:

Total area:

Approximately 262 acres

Land in the 100 acre floodplain:

19 acres

Adjusted gross area:

243 acres

Density permitted under the R-M Zone:

3.6-5.7 dwelling units per acre

Permitted Dwelling Unit Range:

874.8-1,385.1 dwelling units

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

The CDP proposes 1,069 residential units or approximately 4.4 units per acre. This proposed density falls well within the ranges approved in the basic plan.

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

The Transportation Planning Section has made master plan transportation recommendations consistent with the Subregion 5 Master Plan.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)"

A traffic study including review of the above intersections dated July 2009 was submitted by the applicant, reviewed by the Transportation Planning Section and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T) in order for the Planning Board to make findings regarding the adequacy of transportation facilities at the time of comprehensive design plan review and approval. A summary of the traffic impacts and the effects on intersections is as follows:

The application is a comprehensive design plan for a mixed-use development, consisting of the following uses, having the following trip generation:

CDP-0902, R-M,	Use	Use			(our			
Villages at Timothy Branch	Quantity	Type	In	Out	Tot	In	Out	Tot
Residential								
One-Family Detached	119	units	18	71	89	70	37	107
One-Family Semidetached	72	units	10	40	50	38	20	58
Townhouse	365	units	51	205	256	190	102	292
Two-Family Attached	284	units	40	159	199	148	79	227
Multifamily	224	units	22	94	116	87	48	134
Total	1064	units	141	569	710	533	286	819

Note: The use quantities shown above do not directly correspond to the final design plans, but the numbers are substantially in conformance. The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section

24-124(a) (6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follow:

EXISTING TRAFFIC CONDITIONS						
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)			
US 301 and Mattawoman Drive	Future	Future				
MD 5 and Brandywine Road	1,769	1,810	F	F		
US 301 and MD 381	1,160	1,078	C	В		
MD 381 and Mattawoman Drive	493	412	A	A		
US 301/MD 5 and Chadds Ford Drive	1,185	1,431	C	D		
US 301/MD 5 and Matapeake Business Drive	1,114	1,416	В	D		
US 301/MD 5 and Cedarville/McKendree Road	1,289	1,866	C	F		

With one exception (US 301/MD 5 and Chadds Ford Drive), none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)		
US 301 and Mattawoman Drive	1,193	1,743	С	F		
MD 5 and Brandywine Road	1,804	1,815	F	F		
US 301 and MD 381	2,002	1,601	F	F		
MD 381 and Mattawoman Drive	621	602	A	A		
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F		
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	Е	F		
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F		

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS						
Intersection		Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)		
US 301 and Mattawoman Drive	1,271	1,851	C	F		
MD 5 and Brandywine Road	2,105	1,815	F	F		
US 301 and MD 381	2,528	2,340	F	F		
MD 381 and Mattawoman Drive	1,284	1,361	С	D		
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F		
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	E	F		
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F		

It is found that all but one of the critical intersections (MD 381 and Mattawoman Drive) operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- a. A third northbound through lane is proposed along US 301 through the MD 381 and the Mattawoman Drive intersections. Left turns are proposed to be eliminated at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future).
- b. A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.
- d. As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.
- e. The subject site is required to contribute to the Brandywine Road Club. The level of this contribution will be determined during review of the preliminary plan of subdivision. For the record, it is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 2000, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.
 - (2) Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the council resolution.
 - (3) The site included under the current plan was subdivided under application 4-92048, which itself was a consolidation of four previous preliminary plans,

conditional upon contribution to the Brandywine Road Club. The road club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described above are constructed and there is participation in the Brandywine Road Club.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS						
Intersection		ne Volume & PM)		f Service M & PM)		
US 301 and Mattawoman Drive	916	1,221	A	С		
MD 5 and Brandywine Road	2,105	1,815	F	F		
US 301 and MD 381	1,741	1,725	F	F		
MD 381 and Mattawoman Drive	1,031	1,246	В	C		
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	Е	F		
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	Е	F		
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F		

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and they raise the following issues that require discussion:

- a. DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial. It has that function and will be used as such, particularly given the ongoing congestion that occurs on US 301/MD 5. For that reason, the diversion used does not seem to be excessive.
- b. DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are proposed for construction, there is really nothing to analyze.
- c. SHA and DWP&T both objected to the elimination of left turn movements at the US 301/MD 381 intersection. That is obviously something that will need to be studied carefully at the time that Mattawoman Drive is connected on both sides of US 301 by Brandywine Business Park.

With regard to the R-M-zoned portion of the site, the site is affected by several facilities:

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. The current plan includes ramps to and from the north and south to support the future interchange at A-55. Since an extensive area in the southwest portion of the site is proposed to remain without development, this is sufficient.
- The A-63 facility traverses the site from north to south. Over the time of reviewing this plan, there has been some confusion about the alignment of A-63 and where it terminates at the southern end. The A-63 arterial facility actually terminates at A-55, which has been determined to be located just south of the subject site. The CDP plan indicates a portion of A-63 south of the more southerly traffic circle to be "Matapeake Business Drive Extension" with a 100-foot right-of-way. This is incorrect. This portion of roadway between the traffic circle and the southern property line is A-63, and should make provision for a 120-foot right-of-way.
- The master plan includes I-503, a planned facility that was originally included in the 1993 Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties, to Short Cut Road and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD 5/301 when it is upgraded to an access-controlled

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

freeway, the named properties may lose the ability to access US 301/MD 5 in the future. I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503 as initially envisioned and aligned is no longer necessary. However, some means to allow the named properties that front on MD 5/301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the State or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the CDP should be revised prior to signature approval to remove the depiction of the "Alternative Alignment of I-503" and to show a separate parcel to accommodate the future industrial connection.

- The Approved Subregion 5 Master Plan and Sectional Map Amendment reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. While it is noted that this facility is not explicitly noted on the plan, the plan includes berming 100 feet in width along the site's frontage of US 301/MD 5. This berming is set back between 15 and 50 feet from the existing right-of-way. The transit facility is proposed to be 70 feet in width. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area of berming along the US 301/MD 5 frontage constitutes adequate provision for this future transit facility. In the event that a transit facility is implemented in the future, plans for the facility will need to incorporate either the use of a retaining wall to maintain the berm or the removal of the berm in favor of a sound wall.
- It is noted that the transit line described above includes the identification of the combined M&M Joint Venture/Meinhardt properties as a possible location for a maintenance yard.

Within the R-M-zoned portion of the property, individual residential lots are proposed to receive driveway access from alleys or minor streets, and are not proposed to gain individual access to A-63 directly. This is desirable. Within the multifamily development proposed at the southern end of the site, west of A-63, the plan shows potential driveway access, and variations for driveway access to A-63 may need review. This will be evaluated further in the context of the preliminary plan of subdivision.

There is a piece of developed land in the E-I-A Zone surrounded by the R-M-zoned portion of this property. This developed site is not part of the subject application, but it receives its access via

Mattawoman Drive. Given that the land around this site is proposed for development as mixed-use and residential, it is desirable that the E-I-A-zoned property be provided with the opportunity to gain access to Short Cut Road. It is recommended that an access symbol be shown on the CDP. The means of providing this access shall be determined further at the time of preliminary plan review.

Conclusions

Based on the preceding findings, the Planning Board concludes that the staging of development will not be an unreasonable burden on available transportation facilities as required under Section 27-521(a)(7) of the Zoning Ordinance if the application is approved with the following conditions:

- a. Prior to signature approval of the CDP, the plan shall be revised to reflect the following rights-of-way:
 - (1) A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - (2) A right-of-way of 40 feet from centerline along C-613 (MD 381, Brandywine Road), along the site's frontage.
 - (3) A 70-foot industrial cul-de-sac extending southward from Short Cut Road to serve the Schraf, Meinhardt, and M&M Joint Venture properties as shown on the CDP.
- b. At the time of approval of the preliminary plan, the following transportation-related conditions shall be addressed:
 - (1) A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections. The elimination of left turns at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future) shall be more fully addressed by the requirements of the approval of the preliminary plan of subdivision for the project.
 - (2) A northbound left-turn lane along US 301 at Mattawoman Drive.
 - (3) The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - (4) The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

c. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area C in the Subregion 5 master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- (1) Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). Construction shall be in accordance with presently approved SHA plans.
- (2) Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- (3) Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- (4) Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- (5) Reconstruct the traffic signal at US 301/MD 381.
- (6) Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- (7) Provide a grade separation at the point where the spine road crosses US 301 northeast of T.B.
- (8) Reconstruct the traffic signal at MD 5/Brandywine Road.
- (9) Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- (10) Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- (11) Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- (12) Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- (13) Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
- d. Total development of the overall site shall be limited to uses that would generate no more than 710 AM and 819 PM peak-hour vehicle trips within the R-M Zone. Any development generating an impact greater than that identified herein above shall require an amendment to the CDP with a new review of the finding associated with Section 27-521(a)(7) of the Zoning Ordinance.
- e. The R-M-zoned portion of the CDP shall be modified as follows:

- (1) The portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.
- (2) The developed E-I-A property should be provided with the opportunity to gain access to Short Cut Road. It is recommended that an access symbol be shown on the CDP. The means of providing this access shall be determined further at the time of preliminary plan review.

The above conditions have been incorporated into this approval.

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

The trail required by this condition is shown adequately on the CDP. Further, as conditioned below, in future approvals, the trail should be proposed to cross as few separate lots as possible, be designed at a minimum eight feet wide, and that trail connectors should be at least six feet wide and paved with asphalt.

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

The Countywide Master Plan of Transportation relocated A-55 so that it no longer crosses the subject property.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive is a master-planned arterial road, currently indicated on the plans as having sidewalks along both sides. However, as conditioned below Mattawoman Drive shall be served by an eight-foot-wide, concrete side-path (in accordance with DPW&T standards) instead of a sidewalk on the eastern side of the road.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

The applicant is proposing sidewalks and bikeways along all internal roads of the development to support pedestrian and bicycle use in the residential/commercial mixed-use development proposed. Details of the sidewalk design shall be evaluated at the time of approval of specific design plans for the project.

- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

The applicant's submitted design standards that establish design and review parameters including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site, shall be revised to be stated in mandatory terms, to clarify the design standards and to enhance the quality of the development.

b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.

The applicant has proposed a comprehensive, site-wide pedestrian circulation plan, including bus transit stop locations along Mattawoman Drive. These appear to be adequate for the proposed use, but precise locations of the bus stops shall be determined at the time of approval of specific design plans for the project.

c. Show that bufferyards for residential pods generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the Comprehensive Design Plan process.

The illustrative plan conceptually shows room for bufferyards between different residential areas and between the commercial and residential pods. However, since the exact lot layout will not be determined until the time of approval of a preliminary plan and specific design plan for the project, a condition of this approval requires the bufferyard location and design to be reviewed further at the time of specific design plan. Additionally, another condition of this approval requires that at the time of specific design plan, a landscape bufferyard that meets the requirements of a Type D Bufferyard per

Section 4.7 of the Landscape Manual be provided between any commercial/industrial development and residential use pods. These bufferyards shall be specifically designed to screen and buffer undesirable views and activities.

d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

On-site recreational facilities for the 1,069 dwelling units proposed to be provided by the applicant include:

- A community building and recreation center including:
 - 25 meter pool
 - Wading pool
 - Bathhouse/pool facilities with community meeting space;
- One preschool-age playground (2,500 square feet);
- One school-age playground (5,000 square feet);
- Three multi-age playgrounds (7,500 square feet);
- One 100-foot by 200-foot open play area;
- Approximately 5,600 linear feet of a 10-foot-wide hiker/biker trail with a four-foot-wide cleared earth/turf equestrian sidepath.

Additionally, the applicant shall *pay a fee in lieu of providing [construct] major off-site recreational facilities at nearby Brandywine Area Community Park, *as discussed further. [including one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue.]

The combination of the proposed package of on-site private recreational facilities and *contributions for off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community, with the minimum size of the community building conditioned below to be 3,000 square feet.

Thus, the applicant has provided an indoor and outdoor recreational facility package adequate to meet the needs of future population of the development.

8. At the time of Comprehensive Design Plan the applicant shall provide either:

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
- b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

In satisfaction of this condition, *in 2010, the Prince George's County Department of Parks and Recreation (DPR) recommended to the Planning Board, in the approval of CDP-0901 and CDP-0902, conditions for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park including: a softball field, a soccer field, a 65-space parking lot, and a vehicular access road from Missouri Avenue. Preliminary Plan of Subdivision 4-09003 established the timing for preparation of a tree conservation plan, construction drawings, and construction of the recreational facilities in the Brandywine Area Community Park.

*However, in 2013, it was determined that the Brandywine Area Community Park was the most suitable site for construction of the regional Southern Area Aquatic and Recreational Complex (SAARC). The land previously designated for construction of the two ball fields and the 65-space parking lot that was to be built by the developer of Villages of Timothy Branch is needed for the construction of SAARC, and is no longer available for the facilities that the applicant is conditioned to construct.

*The planning and development of the construction documents for this multi-generational regional community center are well underway. This 77,000-square-foot recreational complex, as envisioned in the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space is a multi-generational facility that will provide an array of programs to serve the recreation and leisure needs and interests of the entire family and not just one age group. SAARC will include an indoor aquatic space, a double gymnasium, a walking track, a fitness center, and a flexible programmable space. The pedestrian and vehicular access to the park will be provided from Cattail Way and Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the recreational complex will be under construction in 2015 and will be completed in 2017. The future residents of the Villages of Timothy Branch will be able to walk to this recreational complex through the master-planned trail to be located along Cattail Way.

*DPR met with the developer of the Villages of Timothy Branch and discussed the challenges associated with the Brandywine Area Community Park site. DPR and the developer agreed that an appropriate alternative to construction of the required off-site recreational facilities would be a monetary contribution in lieu of construction. DPR, in cooperation with the developer, prepared a cost estimate for the required design and construction of the recreational facilities. Based on the

cost estimate, DPR and the developer established a monetary value of the contribution-in-lieu of construction of the required off-site facilities.

*By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 20-27 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the offsite requirements of Condition 8(b) (A-9987), with no change to the proposed on-site private recreational facilities. [the applicant will provide off-site public recreational facilities at the Brandywine Area Community Park designed in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. More particularly, as conditioned below, prior to the issuance of 50 percent of the residential building permits, the applicant shall construct the following recreational and stormwater management facilities at the Brandywine Area Community Park:

- a softball field;
- a soccer field;
- a 65 space parking lot;
- access road from Missouri Avenue; and
- any related necessary stormwater management facilities.

Toward this end, prior to the issuance of 20 percent of residential building permits, the applicant shall have the construction drawings and specifications for the construction of the recreational facilities, and any related stormwater management facilities approved by the Department of Parks and Recreation.]

9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.

A revised Natural Resources Inventory Plan (NRI-002-07) was approved for the overall Villages at Timothy Branch on August 19, 2010. Further, a condition below requires the applicant to provide a detailed letter of justification addressing all impacts to the primary management areas (PMA), wetlands, and wetland buffers so that they may be further evaluated at the time of preliminary plan of subdivision. This requirement ensures that the NRI is utilized by designers to limit impacts to regulated areas and evaluation areas of the site to the greatest extent possible.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

The concept of providing threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible.

11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.

In order to determine if there are historic or scenic characteristics that should be identified and preserved, an inventory of significant visual features for the viewshed adjacent to the right-of-way of Brandywine Road was required and submitted with the CDP in accordance with this requirement. Only a small section (from its intersection with Short Cut Road and running in a southeasterly direction for approximately 300 feet) of the subject CDP fronts on MD 381, Brandywine Road. The inventory states that, although the roadway still follows its historic alignment as it passes through the property, the improvements which have occurred or are proposed for the roadway are a contraindication to the provision of a scenic buffer adjacent to the right-of-way due to existing conditions.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The historic roadway has been evaluated in four sections. This discussion will focus on the portion called "Segment One" which extends from Short Cut Road east to the western edge of the office/retail/employment development pod west of Mattawoman Drive, as this is the portion of the historic alignment that borders the subject CDP.

Segment 1: Starting from the westernmost point on the property, the first 350 linear feet of the viewshed is proposed to be retained in existing woodland with a depth of greater than 450 feet, which also incorporates the recorded 30-foot-wide landscape buffer as existing woodlands. This is complemented on the north side of Brandywine Road by a lengthy buffer of existing woodlands proposed on Lot 22 of the Stephen's Crossing project, currently under review for Detailed Site Plan DSP-09011.

Conditions of this approval address the preservation of the historic viewshed relevant to the subject portion of the Brandywine Road frontage.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

The applicant provided copies of communications with representatives of the Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing projects, but indicated that no responses have been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park.

The applicant shall provide both private recreational facilities and a <u>financial contribution for</u> major off-site recreational facilities at the Brandywine Area Community Park. Therefore, the provision of recreational facilities on a 20-acre, on-site dedicated park is not necessary.

8. **The Prince George's County Zoning Ordinance:** The project is subject to Sections 27-501 through 27-509, Purposes, Uses and Regulations in the Residential Medium (R-M) Zone of the Zoning Ordinance.

The project is also subject to the requirements of Sections 27-179 through 27-198, Comprehensive Design Plans and Section 27-521, Required Findings for the approval of Comprehensive Design Plans.

Lastly, the project is subject to the requirements of Section 27-230, Required Findings for Variances and Section 27-239.03, Variances in conjunction with Other Approvals.

Sections 27-501 through 27-509—The subject project conforms to the requirements of Sections 27-501 through 27-509, except with respect to the maximum allowable percentages of townhouses and multifamily dwellings in the development, the subject of companion variance application, CDP-0902, discussed in detail below.

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

Sections 27-179 through 27-198—The subject project conforms to the requirements of Sections 27-179 through 27-198. See Finding 11 for a detailed discussion regarding the required findings for the subject comprehensive design plan.

Variance—This application includes a variance request from the requirements of Section 27-515(b)(7) which states, in pertinent part:

Except as provided in Section 27-480(g), for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply. Townhouses may comprise not more than the following percentages of the total number of dwelling units included in the Comprehensive Design Plan... in the R-M, thirty percent (30%)...Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan;..R-M, ten percent (10%). These multifamily restrictions do not apply to Transit District Overlay Zones... No Basic Plan or Comprehensive Design Plan Amendment is required provided the building design and architecture requirements, as previously approved, are not modified.

In a revised letter presented at the October 7, 2010 Planning Board hearing, the applicant laid a foundation for his argument supporting the request as follows:

"Five residential development sections cover the R-M-zoned portion of the property and they are shown on the Residential Unit Counts Exhibit, dated August 16, 2010. A mix of residential dwelling unit types are proposed in each of the five sections with the higher densities proposed in the RM-4 and RM-5 section near the south end of the development. Sections RM-1 and RM-2 are located east of Mattawoman Drive; Sections RM-3, RM-4, and R-M-5 are located west of Mattawoman Drive. The CDP proposes a total of 1,069 residential units on approximately 243 developable acres of land in the R-M Zone at a density of 4.4 units per acre, which falls within the range of 3.6 to 5.7 dwelling units per acre approved in the basic plan. The following dwelling unit types are proposed in the R-M Zone: one-family detached dwelling units, townhouse units, one-family semidetached (duplex) units, multifamily (condominium) units, and two-family attached (two-over-two) units. Townhouses in the R-M Zone make up 50 percent of the total dwelling units or up to 533 townhomes in that zone, which exceeds the allowable 30 percent maximum so that a variance of 20 percent from Section 27-515(b)(7), Footnote 29, is required. The multifamily condominium units in the R-M Zone make up 25 percent of the total dwelling units or up to 267 multifamily units in that zone, which exceeds the allowable 10 percent maximum so that a variance of 15 percent from Section 27-515(b)(7), Footnote 29, is required."

The variance requested is normally considered at the time of specific design plan. However, since the proposed development in this comprehensive design plan is contingent on the approval of the variance, it accompanies the subject comprehensive design plan as a companion case.

Each required finding for a variance as stated in Section 27-230 of the Zoning Ordinance below in bold faced print, followed by the applicant's reasoning, then Planning Board findings. Please note that Section 27-239.03 of the Zoning Ordinance specifically allows (in part) that when the District Council or Planning Board makes a final decision in a...site plan (case)...the District Council or Planning Board (instead of the Board of Appeals) shall have the sole authority to grant variances from the strict application of (the Zoning Ordinance)...in conjunction with its approval.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Board of Appeals (Section 27-239.03 cited above vests this power in the Planning Board) finds that:

(1) A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The property has exceptional shape, topography, and or other extraordinary situations or conditions. First and foremost, the property is encumbered by Waters of the U.S., including tributaries to Timothy Branch, Timothy Branch, associated non-tidal wetlands, and an intermittent stream that diagonally bisects the property. The Waters of the U.S. provide for exceptional topography and reduce the building envelope. Moreover, the property is uniquely shaped due to its location between US Route 301 to the west and Timothy Branch to the east. Additional encumbrances on the developable area of land include the existing warehouse on Parcel E, which is not included in the development plan, and the Master Plan road alignment for A-63, Mattawoman Drive which bisects the property. The net result of the transportation network and environmental features is that the applicant is forced to increase the percentage of total units in order to adhere, as much as possible, with the density and mix of uses envisioned in the Basic Plan and Subregion 5 Master Plan."

The applicant, in making a justification for the variance request at this conceptual stage, argues the extraordinary land conditions in relation to the entire land assemblage of 334 acres for CDP-0901 and CDP-0902 combined. This is atypical as the required variance finding is for a "specific" parcel of land. However, the Planning Board does find that the environmental areas, master-planned road, and irregular lot shape are unique constraints on the subject property and contribute to a condition that limit the areas available for siting development. This, coupled with

the basic plan and Subregion 5 master plan vision for a densely developed community center on the subject property, justifies the consideration of the variance in relation to the whole property.

(2) The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The applicant contends that practical difficulties exist in the strict application of the Zoning Ordinance due to the fact that the applicant would be required to significantly reduce the density proposed for this mixed use village center development. This would contradict with the vision and goals of the Master Plan and Basic Plan. As proposed, the applicant is only requesting a variance of 15.8% to the number of multifamily units. To comply with the unit percentage limitations and provide for the density envisioned in the Master Plan, especially given the property's extraordinary conditions, is impossible."

As discussed above, the limited developable land and the intensive development pattern envisioned for the subject site as a village center creates an extraordinary situation for this property. The strict application of this Subtitle will result in peculiar and unusual practical difficulties for the property owner because disapproval of the variance application would result in a significant loss of dwelling units.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment retained the property in the L-A-C zone and anticipated the development proposed in the Basic Plan. The basis for this variance is to facilitate the kind of mixed-use village center envisioned by the Master Plan and Basic Plan. Moreover, the proposed development conforms to the principals and guidelines of the General Plan, 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. The General Plan locates the property in the Developing Tier of the county, which is defined as a largely suburban area located primarily in the central portion of the county. The property is further defined as a possible future "community center" in a "corridor with limited access". Visions for the Developing

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

Tier include distinct commercial centers, compact, higher-intensity, mixed uses in centers and corridors and community focal points in planned commercial centers. The General Plan strongly recommends mixed-use housing and states that "mixed-use housing is integral to this general plan". The applicant is proposing a mix of single-family semidetached, townhouse, two-family attached, and multifamily condominium units. Thus, the variance requested herein will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan."

The subject site is a large assemblage of land. Due to the presence of the Timothy Branch stream valley and its environmentally-sensitivity features and a master-planned arterial road planned for the subject property, land left suitable for development is limited. Approving the requested variance to allow for increases in allowable unit types in order to increase the density and intensity of the property is consistent with that envisioned by the General Plan and the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment.

- 9. **The Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the entire site has a previously approve Type 1 tree conservation plan, and portions of the site have an approved Type 2 tree conservation plan. The Planning Board, after lengthy analysis, recommends approval of TCP1-151-90-01, with conditions. Therefore, the subject application is in conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance.
- 10. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:

Historic Preservation—The proposed residential development in the R-M Zone will have no effect on identified historic sites, resources, or districts.

Archeological Review—Archeological-related concerns related to the subject project include the following:

a. A Phase I archeological survey was completed on the subject property prior to submission of this comprehensive design plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500 to 1,000 BC); a mid-19th century Domestic Site, 18PR993; a Colonial Period Domestic Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

- b. The Planning Board concurs with the recommendation of this report that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site may retain some integrity. Phase II investigations have been completed on sites 18PR454, 18PR992, 18PR993, and 18PR994.
- c. If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. A condition of this approval requires that the applicant shall provide proof that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of a preliminary plan.

Archeological-related concerns have either already been met or will be addressed through the preliminary plan of subdivision process as Subtitle 24 provides the basis for archeological preservation.

Community Planning—The application conforms to the recommendations of the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment for residential land use in the Developing Tier and to recommendations for residential land use in a community-level center in Brandywine, although its residential density falls at the low end of the recommended range. The applicant has been required to show the center core and edge boundaries on the CDP and indicate the development densities that are proposed in the center edge and center core areas to confirm conformance with plan policies for residential land use in this center. The applicant should consider developing within the designated center area, i.e. Section 5 in the southwestern corner of the subdivision, and the southern part of Section 4 just to its north at the end of their building program, and continually re-evaluate the feasibility of concentrating a greater amount of the allowed development density in these areas. The plan shows multifamily development in this area. Additionally, the proposed transit alignment stop to be located along US 301/MD 5 in the eastern portion of the subject site and the proposed transit station, just south of the subject site's southern boundary along the US 301 frontage is shown. Lastly, the potential for providing an access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road should be explored as an opportunity to deflect heavy truck traffic from the planned development and this connection shown on the plans.

Subdivision Review—The subject property is located on Tax Map 145 in Grid B4 and is divided in two portions. The northern portion of the site known as Parcels A through G of the Brandywine Commerce Center is zoned L-A-C and R-M, with Parcel E not a part of this application. The site is partially cleared and some infrastructure is constructed. The applicant proposes to establish residential, retail, and commercial land uses on the site. The southern portion of the site is known as unrecorded Parcels 4, 13, 19, and 25, and is zoned R-M.

Further, a preliminary plan of subdivision is required for the entire site after approval of the CDP, but prior to the approval of the first specific design plan for the property, and that Preliminary Plan 4-09003 is currently being reviewed for this purpose. A review criterion for the preliminary application will be that it conform to the requirements of the approval of the CDP.

The Subdivision Section also offered that Preliminary Plan 4-92048 (PGCPB Resolution No. 92-187) was approved for the Brandywine Commercial Center (Parcels A–G) in May 1997 for the development of 4,012,846 square feet of industrial square footage on 372 acres, excluding the 28 acres known as Parcel E. The remainder of the site was not platted within six years of July 23, 1992, the date of the adoption of PGCPB Resolution No. 92-187, the validity period allowed by Section 24-119(d)(7) of the Subdivision Regulations for industrial zones and nonresidential areas within a comprehensive design zone. No extensions were filed and so the preliminary plan is no longer valid for the remainder of the site.

Noting that the District Council approved the rezoning of the site and the area covered by the basic plan as part of A-9987 and A-9988, approved by Zoning Ordinance 17-2008 on July 11, 2008, the Planning Board suggested that Conditions 2, 3, 4, 5, 6, and 10 are most directly related to the review of the subject comprehensive design plan in preparation for the future approval of a preliminary plan for the site. Finding 7 includes a detailed discussion of compliance with the relevant conditions of the basic plan and zoning map amendment.

In addition to a concern regarding conformance with the requirements of the basic plan, the additional Subdivision-related issues include:

a. The CDP establishes density and land use intensity for the proposed development based on formulae from the Zoning Ordinance, including increases in density based on public amenities. In the R-M Zone, the applicant is requesting 1,069 dwelling units, including a mix of single-family detached, single-family attached, one-family semidetached, and two-family attached and multifamily units. The density requires 22 percent increase over the base density and proposes to justify this through the provision of public benefit features. The preliminary plan must show and demonstrate any public benefit features, such as the provision of open space or a pedestrian system separated from vehicular rights-of-way, in order to justify an increase over the base density. These calculations are authorized by the

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

Zoning Ordinance and are considered separately from the mandatory dedication of parkland required by the Subdivision Regulations.

- b. The CDP should represent an acceptable level of detail in the text. As the CDP will act as a locally applicable zoning ordinance for bulk and lot standards within the development, it is important that the text address the characteristics of the site and proposed development within each lot. Specifically, the following subdivision-related suggestions were considered in this approval:
 - (1) Maximum block perimeters. Recent revisions to the plan have combined some blocks into long and irregular patterns. Residential Module 3, located north of the development's center, is not a preferred design. The illustrative plan shows that this "long ear" is surrounded by sticks of front loaded townhomes and filled with duplexes. The CDP should establish a maximum block perimeter. Most of the interior blocks are 2,000 feet around, which is at the upper limit of walkability. The irregular shaped blocks approach 3,000 feet in perimeter with no pedestrian or vehicular cut-throughs. Maximum block perimeters should be established around 2,000 feet. The block perimeter should be reduced by creating several cross streets within the irregular blocks. The housing type within and around these blocks should be reconsidered to permit rear loading of the townhouses and improved access to green areas and recreation centers.

The design of the "long ear," as referred to above, should be revised to provide a walkable block pattern with sidewalks and street trees. A condition of this approval will allow the plan be revised to create a walkable block pattern with two private streets introduced at 300–400-foot intervals and relocation of units to the front on each street.

(2) Increased setbacks for different street widths. The plan shows public streets that are 50, 60, and 92 feet wide, private streets that are 22 and 26 feet wide, private driveways, private alleys, private parking compounds, and a 120-foot-wide arterial roadway. Lots of similar shapes and depth face all types of streets. It would be appropriate to increase the setback along wider streets, such as making a setback equal to one-half of the width of the street. This would keep the 25-foot setback for single-family detached homes along the secondary 50-foot-wide streets, but widen the setback for the duplexes facing a 60-foot-wide street.

In review of Section 27-442(e), Residential Zone Yard Regulations, of the Zoning Ordinance a residential unit's front yard depth requirement is not typically based on the street width upon which it fronts. However, Section 24-121(a)(4) of the Subdivision Regulations requires that "residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty

(150) feet." Further, Section 24-121(a)(4) also requires that "residential lots adjacent to existing or planned roadway of freeway of higher classifications...shall be platted with a minimum depth of three hundred (300) feet."

These regulations protect the dwelling units from the negative impacts of noise, a exhaust and vibrations associated with traffic both of the arterial and freeway designation, roadway, which typically involves very high levels of traffic volume. Mattawoman Drive is projected to carry 47,800 vehicles per day, as stated in the Subregion 5 Master Plan, Transportation Technical Bulletin. An increased setback for residential structures from each of the roadway classification should be required. A condition has been included in the approval requiring a 50-foot building restriction line, to include a landscape buffer for all residential buildings located along Mattawoman Drive and a 200-foot building restriction line for multifamily residential buildings located along US 301. Building restriction lines for other residential product types along US 301 should be determined at the time of SDP.

(3) Architectural features permitted within required setbacks. While increased setbacks may improve the aesthetics of the development and lotting pattern, this can be undermined by grossly exaggerated sets of stairs, retaining walls, or other architectural features being permitted within the setback. This will be important for the two-family attached dwellings, where some designs for this type of dwelling have exterior stairs accessing the second floor. The CDP should clearly state which architectural features, if any, are allowed within these setbacks.

The design and location of various architectural features can undermine the benefits of an increased building setback. A condition of this approval requires the amount of stairs and the height of retaining walls within this building restriction area be restricted at the time of SDP, as determined appropriate by the Planning Board.

(4) Setbacks, height limits, and lot coverage standards for accessory buildings, decks, and fences. It is not too early to consider the end user that will be living in these homes. The eventual home buyer will want to improve their homes with sheds, pools, and other amenities. The CDP must establish setbacks for accessory buildings, decks, and fences.

Establishing standards for accessory buildings, decks, and fences is appropriate at this time in order to ensure consistency in future specific design plan review and future homeowner improvements within the development. A condition of this approval alters the development standards chart to include typical standards for these items.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

(5) Setbacks from proposed trails, parking compounds, and cross-block pathways. The master plan trail closely follows the rear property line of several lots along the eastern side of the development area. Though this trail has already been field located, recent applications that have appeared before the Planning Board suggest that the benefits of such trails are not fully appreciated by the eventual homeowners, who construct fences or other structures against or even impeding the trail. The same issue can arise where parking compounds are close to townhouses or where trails are proposed to cross in the middle of a large block. The CDP can establish a minimum distance of 15 to 20 feet between property lines and the master plan trail, as well as establish planting requirements where these features are close to backyards. Setbacks for accessory buildings and fences in these areas can be increased five or ten feet in order to remove pressure from the trails. Alternately, the trail itself could be revised to move it away from the boundary line for the single-family residences.

The Planning Board agrees with the concern of developing an appropriate spatial relationship between the master-planned trail and residential units. A condition of this approval therefore requires a minimum 20-foot setback from any residential lot line and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network.

(6) Appropriate buffers and setbacks between residential, commercial, and industrial uses. The CDP should establish the minimum distances required between incompatible uses. Within the development, residential uses are separated from commercial uses by public streets. However, neighboring parcels include several industrial uses. At points, several proposed lots are 25 feet from the neighboring gas station, 30 feet from Parcel E, the existing warehouse property, or 40 feet from the proposed industrial road along the northwest edge of the property. The Planning Board has considered increasing these buffers to 50 feet as part of the CDP.

The main area of concern regarding buffering treatment is between the proposed residential use and the adjacent industrial uses on Parcel E, the Meinhardt, M&M Joint Venture, the Schraf properties and the Brandywine 301 Industrial Park to the south and the commercially-zoned use McGrouder and Gannon parcel along US 301. A recommended condition below requires, at the time of specific design plan, that the requirements of Section 4.7 of the *Prince George's Landscape Manual* should be used as a starting point to provide adequate buffering between incompatible uses at the perimeter of the property. Such landscape plan shall be approved by the Planning Board.

PGCPB No. 10-110(A) File No. CDP-0902 Page 34

(7) **Design standards for multifamily areas.** Residential Module 5, the cluster of multifamily dwellings at the southern portion of the site—the illustrative plan shows an unfocused arrangement of multifamily units that result in an irregular shape to the proposed property line between the parcels. This cluster should be rearranged to provide a stronger community focus and improve the rationality of the proposed parcel boundaries.

A condition of this approval requires that the multifamily use with Module 5 be redesigned at the time of SDP to include a central recreation area and require a substantial set back move from the arterial and freeway.

From a subdivision perspective, these issues are important because they will be used to determine the appropriateness of each proposed lot and parcel. Given the constraints listed above, it is anticipated that the lotting pattern, street layout, and open space design may change at the time of preliminary plan.

The CDP should delineate the required lot depth associated with roadways of arterial classification and higher. Mattawoman Drive and Matapeake Business Drive are identified as arterial roadways. Crain Highway (US 301) is a Freeway. While the CDP is not specific about the type of dwelling that will front on Mattawoman Drive or Matapeake Business Drive, the illustrative plan and conversations with the applicant show two-family attached dwellings fronting the entire length of the road. Townhomes and single-family detached dwellings back up to the homeowners association (HOA) property immediately adjacent to US 301. Individual lots in both circumstances will have to meet minimum lot depth requirements. Section 24-121(a)(4) of the Subdivision Regulations states:

Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. Residential lots adjacent to an existing or planned roadway of freeway or higher classification, or an existing or planned transit right-of-way, shall be platted with a depth of three hundred (300) feet. Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

Per Section 27-107.01(a)(4) of the Zoning Ordinance, "adjacent" is defined as those lots that are "nearby but not necessarily abutting, adjoining, or contiguous" an arterial or freeway. This would include those lots which are separated from an arterial or higher road by only HOA land. Further, Subdivision Regulations Section 24-121(a)(3) prohibits access to individual lots off of a roadway of arterial classification or higher. Noise and vibration along these roads should also be considered.

PGCPB No. 10-110(A) File No. CDP-0902 Page 35

Residential buildings fronting on Mattawoman Drive, a six-lane arterial roadway, are problematic due to the high volume of traffic that will be using this thoroughfare, including possibly truck traffic to the existing warehouse. Unmitigated noise contours were provided on the CDP plan, which shows some of the effects of the roadway on the adjacent property. The 75 dBA Ldn noise contour is located approximately at the right-of-way line along both sides of Mattawoman Drive, with the 70 dBA Ldn noise contour being approximately 100 feet behind that, and another 100 feet behind that is the 65 dBA Ldn noise contour, which is generally the maximum acceptable noise level for residential properties. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

In order to allow room for landscaping, berms, or possibly fencing to provide protection and screening from traffic nuisances, the Planning Board has established a minimum 50-foot building restriction line, approximately corresponding to the midway point between 75 and the 70 dBA Ldn noise contour, for all residential buildings fronting on Mattawoman Drive. The addition of a required landscaped area within this building restriction area will allow the opportunity to provide visual and noise buffering for the residential units. At the time of specific design plan, protection of outdoor areas associated with the dwelling units will be required to demonstrate a reduction in noise levels to a maximum of 65 dBA.

The applicant should identify whether streets are to be public or private at the time of preliminary plan. This will be important in determining which residential uses will be permitted in which locations. Subdivision Regulations Section 24-128(b)(7)(A) states, in part that:

In Comprehensive Design and Mixed Use Zones...the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings...

The private roads permitted under this section must be in accordance with the Zoning Ordinance in Section 27-433(e), streets in the R-T Zone, and Section 27-433(f), access to individual lots in the R-T Zone. The applicant should refer to these sections for further regulations dealing with alleys that provide access to the rear or side of abutting lots not intended for general traffic circulation. The applicant should provide rationale in the preliminary plan for the use of a public road versus a private road, as well as the transition between changes in street width at different points on the same road.

From a subdivision perspective, the CDP should also address the potential for connecting the warehouse use of Parcel E with Short Cut Road. Mattawoman Drive is proposed to be a heavily used arterial roadway and warehousing is inappropriate on this road since the surrounding land area has been zoned to residential; a departure from the original industrial vision for this area. Parcel E is a remnant of that history. It would be a reasonable accommodation between the

existing warehouse use and the future residential uses to provide an alternate connection to Parcel E.

The Planning Board has considered whether the access from Mattawoman Road to Residential Module 1 should be revised. On the current illustrative plan, this access is shown as a single large road that faces directly into Parcel E and the incompatible warehouse use on the property. An alternative would be to have two smaller entrances, approximately across the street from the property lines of Parcel E, which would minimize the visual impact of the warehouse use on the residential area by allowing landscaping to buffer two uses. The Planning Board has not included a condition requiring the relocation of this access as part of the subject approval.

The Subdivision Section then recommended approval of CDP-0902 with conditions:

Trails—The Planning Board has considered the trails-related issues of the subject approval and have included trails-related conditions of this approval as deemed necessary.

Parks and Recreation—The Planning Board reviewed the comprehensive design plan for conformance with the requirements of the relevant basic plan, the requirements and recommendations of the Prince George's County General Plan, the approved Master Plan and Sectional Map Amendment for Subregion 5, zoning regulations, and the existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities and found in part:

- a. Using current occupancy statistics for single-family and multifamily dwelling units leads staff to conclude that the proposed overall development (R-M and L-A-C zones) would generate an increase of 3,328 residents in the Brandywine community which would significantly impact demand on public recreational facilities such as parkland, football, soccer and baseball fields, basketball and tennis courts, playgrounds and picnic areas.
- b. The Prince George's County General Plan establishes objectives related to the provision of parkland in the amount such that a minimum of 15 acres of M-NCPPC local parkland be provided per 1,000 population and 20 acres of regional, countywide and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), staff has determined that 50 acres of local and 66.5 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.
- c. Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 30.5 acres of parkland suitable for active and passive recreation to serve the proposed development. The applicant proposes private recreational facilities in lieu of mandatory dedication of parkland. DPR staff believes that, in order to provide quality recreational

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

services to such a large new residential community, a combination of on-site private (playgrounds, tennis courts, basketball courts, homeowners' community centers, swimming pools, open play areas, picnic areas, and a bicycle and pedestrian trails network connecting neighborhoods) and *a financial contribution for facilities at the Brandywine Area Community Park. [off-site public (soccer, football, and softball fields designed for the large planned events, picnic shelters, large playgrounds, and master planned trails connecting the parks and residential communities in the area) recreational facilities are needed.

- d. The subject property is located 0.75 miles south of the undeveloped, 62-acre Brandywine Area Community Park, for which DPR staff developed a park concept pan including a soccer, softball and youth soccer fields, school-age playground, tot lot, four pienic shelters, two basketball courts, asphalt and nature trails, and a 130-space parking lot. DPR noted, however, that there is no Capital Improvement Program funding allocated for the development of the park.]
- e. To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes *a financial contribution of \$700.000 toward the construction of major off-site recreational facilities at nearby Brandywine Area Community Park *[including one softball field, one soccer field, and a 65-space parking lot, with the first phase of park construction having access from Missouri Avenue]. Additionally, the applicant proposes to include the following on-site private recreational facilities in the development: two recreation centers with swimming pools, tennis courts, two gazebos, a stream valley trail, a tot lot, a school-age playground, three multi-age playgrounds, and one open play area.

The combination of the proposed package of on-site private recreational facilities and *a financial contribution for off-site public recreational facilities would satisfy the recreational needs of the residents of the Villages of Timothy Branch planned community with the relevant conditions herein.

Public Facilities—In accordance with Section 27-521 of the Zoning Ordinance, the staging of development will not be an unreasonable burden on public facilities, fire and rescue facilities and public schools will receive a school facilities charge of \$13,921 per dwelling unit at the time of building permit.

Environmental Planning—The Planning Board reviewed the revised comprehensive design plan and Type 1 Tree Conservation Plan TCP1-151-90-01 for the R-M-zoned section of the Villages of Timothy Branch, stamped as received by the Environmental Planning Section on August 19, 2010. The Planning Board herein approves Comprehensive Design Plan CDP-0902 and Type 1 Tree Conservation Plan TCP1-151-90-01, subject to relevant environmentally-related conditions.

PGCPB No. 10-110(A) File No. CDP-0902 Page 38

Background

The site has been reviewed extensively in the past. The pertinent cases begin with Preliminary Plan 4-92048 (Brandywine Commerce Center), with associated Type 1 Tree Conservation Plan TCP1-151-90, for a 372.24-acre tract which was approved subject to PGCPB Resolution No. 92-187. The preliminary plan for this site indicated that development would occur in six phases. Subsequently, a Type 2 Tree Conservation Plan, TCP2-68-93, was approved for Phases I and II on the northern end of the property for the purposes of constructing stormwater management ponds and nontidal wetland mitigation areas. A TCP2 was also approved for Phases III through VI (the southern portion of the property) for the purpose of installing a culvert in the Timothy Branch stream valley, which was required for the extension of the master-planned Mattawoman Drive. This culvert was never installed and Phases III through VI were never platted. The preliminary plan subsequently expired.

In 1997, Detailed Site Plan DSP-97012 and Specific Design Plan SDP-9703 were approved for a 28.45-acre site in the Brandywine Commerce Center which straddled the I-3 and E₇I-A Zones for the development of a Circuit City Warehouse, and a separate TCP2 (TCP2-42-97), was approved for the area of TCP2-68-93 located on the northwest side of Mattawoman Drive in conformance with TCP1-151-90. A lot line adjustment was subsequently platted for Parcel E, and Parcel E was developed in accordance with the approved plans. No other development has moved forward on the site since that time.

Site Description

The subject property is 262 acres in size, is zoned R-M and is located in the southeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381). Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed, in the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. A portion of Short Cut Road, west of Mattawoman Drive, is classified as an industrial road in the Master Plan of Transportation (MPOT), and is also adjacent to the R-M-zoned portion of this site. The section of Crain Highway (US 301) which borders the site to the west is a master-planned freeway, and an existing source of traffic-generated noise. Mattawoman Road, which is internal to the site, is classified as an arterial, which is generally regulated for noise impacts when associated with residential development. According to the Prince George's County Soil Survey, the principal soils on the site are in the Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown, and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the General Plan. According to the Approved Countywide Green Infrastructure Plan, the stream valley along the eastern boundary is a regulated area and the majority of the property is an evaluation area, with small areas of network gap.

Conformance with the General Plan

The Environmental Infrastructure Chapter of the General Plan contains policies and strategies applicable to preservation, enhancement, and restoration of the natural environment and its ecological functions as the basic component of a sustainable development pattern. The following policies and strategies are applicable to the current approval.

- Policy 1: Preserve, protect, and enhance the designated green infrastructure elements.
- Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.
- Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern.
- Strategy V. Meet the requirements of the Woodland Conservation Ordinance on-site to the fullest extent possible within the Mattawoman watershed. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.
- Policy 5: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.
- Policy 7: Minimize impacts of noise on residential uses during the land development process.

The above listed policies, as well as the specific strategy related to the Mattawoman Creek watershed, are discussed below as part of the discussion regarding conformance with the Green Infrastructure Plan and subregion master plans.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the June 2005 Approved Countywide Green Infrastructure Plan, which are consolidated along the stream corridor located along the eastern border of this site. The approved application shows the preservation of the regulated areas and areas adjacent to all regulated areas in general conformance with the Green Infrastructure Plan.

The Mattawoman Creek stream valley was designated as a special conservation area in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream system in the watershed is of particular concern, and when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and protect water quality.

The following policies are applicable to the subject application and conditions of this approval ensure that they will be followed:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated areas, evaluation areas, and network gaps areas as identified in the Countywide Green Infrastructure Plan located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area. As noted above, the approved application shows the preservation of the regulated areas and areas adjacent to all regulated areas in general conformance with the Green Infrastructure Plan.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices. Environmental site design techniques shall be applied throughout this site, to the fullest extent practicable, because this site will be subject to the new stormwater management regulations. The stormwater management concept approval letter states that six wet ponds are proposed to be used to meet the stormwater management requirements.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

This policy is superseded by the General Plan policy and strategy to meet the requirements of the woodland conservation on-site to the fullest extent possible within the Mattawoman watershed, or if off-site mitigation is required, to provide it within the Mattawoman watershed.

Conformance with the Subregion 5 Master Plan

The subject property is located within the *Approved Subregion 5 Master Plan and Sectional Map Amendment* (2009). The protection of the regulated environmental features proposed on the CDP and associated TCP1 is in general conformance with the guidance provided by the master plan.

The CDP and TCP1 required revisions to show the ultimate public rights-of-way associated with the subject property (both state and county) in conformance with the transportation improvements approved with the Subregion 5 master plan, the Master Plan of Transportation, and the US 301 Upgrade Option. The Transportation Planning Section will review the revised CDP for conformance with the ultimate public rights-of-way associated with the subject property.

Environmental Review

a. An approved revised Natural Resources Inventory (NRI-002-07) for the overall Villages at Timothy Branch was approved on August 19, 2010. An existing conditions and environmental plan were previously submitted with the application the subject of this approval.

The revised NRI correctly includes the previous platted buffers and easements as shown on the final plat. These include, on the west side of Mattawoman Road: a 30-foot-wide landscape buffer along Short Cut Road, Brandywine Road, and Mattawoman Road required by the previous I-3 zoning of the property; a wetland area easement and wetland buffer adjacent to Brandywine Road; a 100-year floodplain easement; and a 25-foot-wide non-disturbance buffer which runs along the southwest boundary of the site, including Parcel E. On the east side of Mattawoman Drive, only a 100-year floodplain easement along with various utility easements are shown.

On July 13, 2010, the County Council approved new legislation that requires minimum stream buffers in the Developing Tier to be 75 feet in width on each side of the existing streams. The revised NRI is in conformance with these regulations, which became effective September 1, 2010. Because an NRI is now a required submission for a CDP, a revised existing conditions plan became unnecessary.

The CDP has been revised to reflect the environmental features shown on the revised NRI, with the exception of the platted landscape easement on the south side of Brandywine Road, west of Mattawoman Drive, because the CDP does not propose to retain a landscape buffer easement in this area. No further information is required with regard to the NRI.

b. This site contains streams, wetlands and wetland buffers, and 100-year floodplain within a delineated expanded buffer, which are protected under the current record plat, and are proposed to be protected in the R-M-zoned portion of the site under the previous requirements of Subtitle 24.

The new legislation requires, under Section 27-521(a)(11) of the Zoning Ordinance, that the Planning Board finds that the plan "...demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible." In order for the Planning Board to make a decision regarding this required finding, a letter of justification must be submitted that describes the existing regulated environmental features on the site, whether or not the features are to be preserved and/or restored, and how the design has avoided the proposed impacts and/or minimized them. Anticipated impacts for

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

wet pond outfalls should be included in the justification. The methods to determine "fullest extent possible" are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and, where necessary, mitigation. The manual also describes what types of impacts are considered necessary and the types that can be avoided.

If the cumulative impacts on the site total 200 or more linear feet of stream beds or one-half acre of wetlands and wetland buffers, then mitigation will be required and evaluated at the time of preliminary plan review. The letter of justification indicates that the currently proposed impacts exceed 200 linear feet of stream bed or one-half acre of wetlands and wetland buffers.

Conditions of this approval required prior to signature approval of this CDP and at the time of preliminary plan of subdivision will ensure that the issues raised in this environmental review are satisfactorily dealt with.

c. This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the entire site has a previously approved Type 1 tree conservation plan, and portions of the site have an approved Type 2 tree conservation plan.

A Type 1 Tree Conservation Plan (TCP1-151-90) was approved for the overall site application when the pre-1993 woodland conservation threshold standards of a straight 10 percent requirement of the net tract area for industrial zones, with no replacement required for clearing, were in place.

The Maryland Forest Conservation Act (FCA) passed by the General Assembly in 1991 established minimum woodland conservation threshold requirements for local authorities that were greater than those previously established by county legislation. As a result, the woodland conservation threshold for industrially-zoned properties in the county was raised to 15 percent of the net tract area. The Forest Conservation Act also required "replacement" in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, county regulations were revised to include these provisions.

The Brandywine Commerce Center (TCP1-151-90) was grandfathered under the requirements of the pre-1993 ordinance, and as a result, the woodland conservation requirement for the overall property was 31.53 acres, based on a net tract area of 315.31 acres. Type 2 Tree Conservation Plans TCP2-68-93, TCP2-84-93, and TCP2-42-97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCP1.

With the recent rezoning of the property, except for Parcel E which remained in the E-I-A and I-3 Zones, the development pattern proposed is significantly different than the previous approval. This property is no longer grandfathered under the requirements, and will now need to meet the requirements of the current Woodland Conservation Ordinance. The R-M Zone has a 20 percent woodland conservation threshold.

Woodland conservation for Parcel E, to the extent required, has been accounted for on the revised plans submitted. The area of the previously approved TCP2 (TCP2-042-97) was included in the original TCP1 approval and the woodland conservation requirement was calculated and fulfilled in accordance with the pre-1993 Ordinance. Notes on that TCP2 state that:

"The tree preservation requirements for this project were fully accounted for as part of the approved Brandywine Commerce Center, Phase 1 & Phase II Type 2 TCP2-68-93. Any clearing of the previously established preservation areas will be reforested in accordance with these plans."

Additional notes on the TCP2 indicate that the woodland conservation requirement for Parcel E was determined to be 2.55 acres, and that 0.58 acre was provided in on-site preservation and 0.24 acre was provided through on-site reforestation. Therefore, the 1.73 acres of woodland conservation was required for Parcel E on the remainder of the Brandywine Commerce Center property. The revised TCP1 demonstrates the fulfillment of this requirement on the remainder of the property. The woodland conservation worksheet on the revised TCP1 indicates 1.73 acres of woodland conservation provided to fulfill the outstanding requirement for Parcel E (TCP2-42-97).

d. The TCP1 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.64 acres of wooded floodplain. The TCP1 encompasses the land area that is included in both the subject application (262 acres) and CDP-0901 for The Villages of Timothy Branch (72.26 acres).

The revised TCP1 submitted with CDP-0901 and CDP-0902 lacks the conceptual grading and building footprints necessary for review. The TCP1 plan reviewed for the initial comments was the TCP1 submitted with the preliminary plan which provides these necessary features.

The revised TCP1 submitted with the CDP proposes clearing 144.30 acres of upland woodlands, 1.06 acres of wooded floodplain, and 0.13 acre of off-site impacts. The woodland conservation threshold or this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed is

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

108.07 acres. With the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCP2-42-97), the total woodland conservation requirement to be provided is 109.80 acres.

The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation/reforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site, but does not include how 1.73 acres of off-site woodland conservation is provided on this property. The inclusion in both the top and bottom portion of the worksheet cancels each other out.

Much of the site is located within a designated evaluation area of the Countywide Green Infrastructure Plan and within the watershed of Mattawoman Creek. Woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also recommended. In addition, the strategies contained in the General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, that it be fulfilled within the Mattawoman Creek watershed.

The woodland conservation threshold for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this is less than the woodland conservation threshold for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible.

Conditions of this approval will ensure that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance will be met.

e. The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the County Code set the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet and the minimum contiguous area is 10,000 square feet. The minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees. It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plans must be revised to meet these minimum standards and all of the design criteria contained in Section 25-

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

122. A complete analysis of the proposed preservation and afforestation areas must be conducted by the qualified professional prior to certification so that the plans can be found to meet the minimum standards of Subtitle 25.

Section 25-122 is silent regarding the required distance between townhouse or multifamily buildings and woodland conservation areas. Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a 10-foot-wide access zone must be maintained around all sides and rears of "sticks" of townhouses, or duplexes. This clear access zone should be free of woodland conservation areas or noise mitigation measures that would block access. This cannot be evaluated without building footprints.

Woodland conservation cannot be proposed within the ultimate rights-of-way of public roads or within public utility easements (PUE). Refer to Section 25-122(b)(1)(N) for the restrictions on placing woodland conservation within ultimate rights-of-way and easements.

The specimen tree table has been revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees has been included in the specimen tree table. The table lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at time of TCP2 review, the trees must be survey located.

The TCP1 shows master-planned trails as identified in the legend co-located with woodland conservation areas. Revise the TCP1 to eliminate the use of areas within the trail as woodland conservation. The locations of trails will be further evaluated in greater detail in later development phases.

The approval blocks on each sheet should be revised to include the new TCP nomenclature, TCP1-051-90. The revised TCP1 submitted with the CDP now reflects the required standard symbols, but does not include all pertinent standard notes provided in the Environmental Technical Manual, specifically Notes 7 through 10. Standard sheet layout will not be required with the current TCP1 plan, but must be satisfied with all TCP2 submittals.

If the design criteria and other requirements of Subtitle 25 have not been shown on the plans to be met in their entirety, or if a specimen tree is to be removed, a variance must be requested for each section of the subtitle that is not being met. One variance application form may be used for all variances to Subtitle 25 being requested. A letter of justification

must accompany the variance request that addresses the required findings of Section 25-119(d)(1) of the County Code for each variance type being requested.

With regard to specimen trees, it appears that Specimen Tree No. 3 is proposed to be removed. A variance request is required for the removal of this tree. Due to its location, in the middle of a proposed development area and its stated condition as poor, it is acknowledged that the Environmental Planning Section will support a variance for the removal of this tree, but that the variance application can be deferred until application for the associated SDP and TCP2.

Conditions of this approval will ensure that the TCP1 is revised as indicated.

f. The TCP1 shows many afforestation/reforestation areas proposed within the limits of stormwater management easements. The requirements for landscaping of stormwater management ponds are far less stringent than woodland conservation stocking requirements. In addition, planting within the limits of the stormwater management easement is subject to approval of the Department of Public Works and Transportation. The TCP2 appear to have been revised to eliminate known areas of conflict such as on and near the embankment of stormwater management ponds.

A condition of this approval will ensure that prior to signature approval of any TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the DPW&T with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by DPW&T or the Soil Conservation District.

g. Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy.

The subject application will be able to meet the tree canopy coverage (TCC) requirement by using the woodland conservation area (woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement).

A TCC schedule shall be placed on the TCP1, and all future TCP2s indicating how the tree canopy coverage for the subject application is being fulfilled.

A condition of this approval will ensure these requirements are met.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- h. According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, and Leonardtown series. Beltsville soils are highly erodible, have perched water tables and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. DPW&T may require a soils report in conformance with County Council Bill CB-94-2004 during the permit review process.
- i. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Transportation-related noise impacts associated with US 301 and the internal arterial roadway may require mitigation to meet State of Maryland noise standards for residential uses. Residential uses or outdoor activity areas that are proposed within the 65 dBA Ldn noise contour or higher will require mitigation.

Crain Highway (US 301) is an existing source of traffic-generated noise and a master-planned freeway. Because the R-M-zoned portion of the site is located directly adjacent to Crain Highway, transportation-related noise impacts are anticipated whenever residential uses are proposed within the 65 dBA Ldn noise contour. It should be noted that Subdivision Regulations require that residential development adjacent to a freeway provide a minimum lot depth of 300 feet, which will provide some mitigation from noise impacts.

Therefore, residential structures shall be subject to a building restriction line to help mitigate noise impacts.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along both sides of Mattawoman Drive must be evaluated in relation to noise impacts. It should be noted that Subdivision Regulations require that residential development adjacent to an arterial provide a minimum lot depth of 150 feet, which will provide some mitigation from noise impacts.

Therefore, residential structures shall be subject to a 50-foot-wide building restriction line to help mitigate noise impacts.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the R-M Zone along the northern and southern sides of Mattawoman Drive.

The conclusion of the noise study (p. 14) indicates, in part, that "Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

The TCP1 and CDP have been revised to show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher, and to show conceptually how noise mitigation will be provided.

j. The delineated noise contours show a high level of impacts (70–75 dBA Ldn) to the residential structures proposed adjacent to Mattawoman Drive. The next level of townhouses, located further from Mattawoman Drive between the 70 and 65 unmitigated dBA Ldn noise contour, will benefit from the noise blocking affect of the closer rows of residential structures. The noise study indicates the following:

"For (noise) impacts between 68 and 76 dBA Ldn, brick exterior facades, resilient channel and/or multiple layers of drywall on interior walls, and windows and doors with relatively high STC ratings (up to 40 STC depending on the amount of windows/doors per room) may be required."

Because of the proximate location of the proposed townhouses to the arterial roadway, with no options for mitigation through site planning, a Phase II noise study was required with the CDP to identify what noise mitigation design and construction measures would be required to allow the placement of residential structures in this noise impacted area. Residential structures within the 65 dBA Ldn or higher noise contours will need to address methods to reduce interior noise levels to 45 dBA Ldn or less. Outdoor activity areas should not be placed within any contour of 65 dBA Ldn noise or greater. If they are to be placed within these areas, mitigation will be required. It was suggested during the initial review of the CDP that an alternate layout of uses at the time of CDP may be necessary to move residential uses out of the area of high noise levels.

A preliminary Phase II noise analysis was submitted with the current application (Phoenix Sound and Vibration, LLC; July 13, 2010). The preliminary Phase II noise analysis was

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

PGCPB No. 10-110(A) File No. CDP-0902 Page 49

conducted to determine the effects of site plan modifications proposed in relation to mitigated noise levels throughout the site.

In the R-M Zone, residential structures facing onto the frontage of the arterial roadway are proposed on both sides of Mattawoman Drive, except for a small section of single-family detached homes with rear yards oriented to the arterial roadway. All of these proposed residential uses are proposed within the 65 dBA Ldn or higher noise contour.

Acceptable noise levels for outdoor activity areas are considered to be 65 dBA Ldn or less. For the residential structures facing onto Mattawoman Drive, the structure may provides sufficient noise mitigation for the rear yard, the exceptions being where sticks of townhouses or two-family attached dwelling units are placed perpendicular to Mattawoman Drive. In this case, their rear activity areas are not shielded and additional mitigation measures, such as walls, may be required to provide shielding for outdoor activity areas.

Also of concern is the ten-foot-high berm proposed to mitigate noise impacts for the rear yards of single-family detached houses located between Road K and Road M. The introduction of a berm in this location is incongruous with the streetscape presented along the length of Mattawoman Drive. It is strongly recommended that either the house type in this area be revised to provide a consistent frontage along Mattawoman Drive or the dwelling units located in this short segment of the road face towards the street removing the need for a berm in this location.

Along the US 301 right-of-way, the Phase I noise study proposes the construction of a 25-foot-high berm to mitigate noise impacts for dwellings within the 65 dBA Ldn noise contour or greater. These include townhomes, multifamily units, and detached single-family dwellings. At the northern end of the berm, adjacent to Lot 118, a noise barrier is proposed to extend mitigation beyond the end of the graded berm.

While this berm is effective as a noise mitigation measure, there are many concerns related to the proposal and the design. During the review of the preliminary plan, issues related to the proposed layout of the lots and structures in relation to the noise barrier should be addressed. During the review of specific design plans, issues regarding the aesthetics and materials of the barriers proposed should be addressed.

As part of the specific design plan for the residential units in the R-M Zone, a final Phase II noise study shall be submitted for review. The Phase II noise study should address how noise impacts to the residential units located in the R-M Zone will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design.

The approval of architecture at the time of SDP should also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the final Phase II noise report for interior residential uses.

Conditions of this approval shall ensure further necessary review of noise issues with respect to the project.

k. Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow by minimizing the spill-over of light from one property to the next and a reduction of glare from light fixtures. This is of particular concern on a mixed-use site such as the subject application, because the residential uses could be directly impacted by lighting from the other uses. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

A condition of this approval shall ensure that light pollution from the subject project be minimized.

Zoning Review—The comprehensive design plan is consistent with the approved basic plan.

The Department of Public Works and Transportation (DPW&T)—In a memorandum dated November 25, 2009, DPW&T offered the following with respect to DPW&T-maintained roadways:

- a. Proposed Mattawoman Drive, an arterial roadway (A-63), as shown on the area master plan, lies within the proposed subdivision. Right-of-way dedication and roadway improvements for proposed A-63 along the frontage of the property, designed in accordance with DPW&T specifications and standards, are required.
- b. The proposed arterial roadway, (A-55, as shown on the area master plan) lies within the proposed subdivision. Right-of-way dedication and roadway improvements for proposed A-55 along the frontage of the property, in accordance with DPW&T's specifications and standards, are required.
- c. This development is also located along the southern side of Short Cut Road, a proposed industrial and commercial roadway (I-503), as shown on the area master plan, extended within the proposed subdivision. Right-of-way dedication and roadway improvements for

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- Short Cut Road (I-503) along the frontage of the property, in accordance with DPW&T's requirements, are required.
- d. This subdivision will generate considerable traffic and it will require upgrading the infrastructure within the vicinity. Therefore, a fee-in-lieu contribution in the amount of \$1,500 per lot should be imposed to improve the county roadways and bridges. The fee-in-lieu should be paid to the county for road improvements and will be required prior to the release of their building permits.
- e. All improvements within the public rights-of-way, as dedicated for public use to the county, are to be designed in accordance with the County Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA).
- f. Full-width, two-inch mill and overlay for all existing county roads, as determined by DPW&T, is required for Short Cut Road, Mattawoman Drive, and Matapeake Business Drive.
- g. Compliance with DPW&T Utility Policy is required. Proper temporary and final patching and related mill and overlay in accordance with the established DPW&T's Policy and Specification for Utility Installation and Maintenance Permits are required.
- h. Culs-de-sac are required to allow, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering the turning movement, it is assumed parking is provided on the outside edge or radius of the cul-de-sac.
- i. Sidewalks are required along the roadway frontages in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- j. Any proposed and/or existing master plan roadways (I-503, F-10, and A-63) and trails that lie within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission (M-NCPPC) and DPW&T, and may involve rights-of-way reservation, dedication, and/or construction in accordance with DPW&T specifications and standards. All road realignment and vacation must be coordinated with DPW&T.
- k. Adequate sight distance in accordance with The American Association of State Highway Transportation Officials (AASHTO) standards for all proposed access points within the site must be provided. All roadway sections and curves should be designed in accordance with DPW&T standards and specifications. Roundabouts along an arterial road are not acceptable unless warranted. All culverts are to be designed to handle the 100-year frequency storm runoff.

- 1. All storm drainage systems and facilities are to be designed in accordance with DPW&T specifications and standards.
- m. Conformance with DPW&T's street tree and lighting specifications and standards is required.
- n. The plan is consistent with approved DPW&T Stormwater Management Concept Plan No. 11355-2009, dated May 29, 2009.
- o. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets and proposed buildings, is required.

DPW&T requirements will be implemented through their separate permitting process.

State Highway Administration (SHA)—In a letter dated June 8, 2010, SHA stated that their State Highway Location Reference Guide indicates that MD 5/US 301 and MD 381 (Brandywine Road) are state-owned and maintained roads. Further, they stated that the posted speed limit on MD 5/US 301 is 55 MPH and the annual average daily trip (AADT) volume at this location is 31,960 vehicles per day. The posted speed limit on MD 381 is 30 MPH and the AADT volume at this location is 10,241 vehicles per day. SHA offered the following comments particularly about the subject project:

- a. Access points are proposed from the county master-planned roadways. Any work within the SHA right-of-way will require an access permit, subject to SHA review and approval.
- b. Review and approval by SHA Highway Hydraulic Division will be required in order to issue an access permit because the plan proposes on-site stormwater management facilities that appear to tie-in or outfall within the SHA right-of-way.
- c. SHA will require dedication of right-of-way per the master plans of Prince George's County.

Additionally, the US 301 Access Management Team of the SHA Office of Planning and Preliminary Engineering offered the following:

The SHA Waldorf Area Transportation Improvements Project Team has evaluated numerous alignment options in the area of the proposed project.

The proposed development is impacted by the US 301 Eastern Waldorf Bypass alternative, known as "Timothy Branch Option 4." Though SHA provided marked-up plans of the bypass, they stated

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

that, due to current fiscal limitations, SHA's ability to preserve the alignment through protective property purchases is limited. Therefore, SHA urged the developer to pursue a reservation of the impacted area with Prince George's County to provide time for a selected alternative to be chosen. If this development proceeds as shown, it will severely impact SHA's ability to complete NEPA (The National Environmental Policy Act) studies to improve capacity within the US 301 corridor. Therefore, their project team recommended that no permanent structures be built in the area of the proposed Eastern Bypass alignment. However, the construction of Metapeake Business Park Drive Extension, across the proposed US 301 eastern bypass alignment right-of-way as understood by SHA, would be acceptable within the SHA specified 70-foot right-of-way.

Prince George's County Fire/EMS Department—In a memorandum dated November 25, 2009, the Prince George's County Fire/EMS Department offered information on required access for fire apparatuses, private road design, and the location and performance of fire hydrants.

The Prince George's County Board of Education—In a transmittal received November 17, 2009, the Prince George's County Board of Education indicated that they would not be commenting on the subject project.

- 11. Prior to approving a comprehensive design plan, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:
 - (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;

The plan is found to be in conformance with approved Basic Plan A-9987.

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

The subject application would result in a development with a better environment than could be achieved under other regulations because of plan improvements such as the open space elements that provide useable open space not associated with other regulated lands such as steep slopes, 100-year floodplain, wetland, stormwater management, parking lots, and the land that is accessible to the future residents. Further, the plan proposes a master-planned hiker-biker-equestrian trail which will follow the Timothy Branch Stream Valley, as it runs through the entire length of the

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

development. Neighborhood pedestrian paths are proposed throughout the development to connect the stream valley trail to the public sidewalk system.

(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;

The subject project includes design elements and provides recreational facilities and amenities for the project's residents including the provision of open space, special attention to protecting environmental features, attention to views and an enhanced multimodal pedestrian system throughout the subdivision, and a generous private recreational facilities package within each pod of development including either a recreational facility or center providing a central focal point for each of the five residential communities.

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

The subject project is compatible with the residential existing land use and zoning across the Timothy Branch stream valley to the east of the subject project. At the junctures where the subject residential project is directly adjacent to, or directly across Mattawoman Drive from commercially or industrially-used or -zoned land is more problematic. Several conditions of this approval provide design changes to the subject comprehensive design plan that will make the interface between commercial/industrial and residential, in this case, less adverse. These measures include:

- Providing an access from Short Cut Road directly to Parcel E, so that trucks and other vehicles could be routed in that northerly direction rather than directly onto Mattawoman Drive, then either northeasterly or southwesterly through the subject development.
- Provide additional berming, landscaping, and setback wherever residential land use is located directly adjacent to commercially or industrially-used or -zoned land. Section 4.7 of the *Prince George's County Landscape Manual* may be used as a guide, but its requirements should be increased if warranted at the time of specific design plan as this is a comprehensive design zone where design is supposed to result in a development with a better environment than could be achieved under other regulations.
- (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;

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

The building coverage and open space is more or less consistent through the area covered by the comprehensive design plan. Regarding building coverage, a condition of this approval sets maximum lot coverage for two-family attached, single-family attached, and multifamily unit types, which will ensure that appropriate open space is provided for each of these land use types. Additionally, the multifamily residential pod shall be redesigned to move residential structures out of the noise (65–75) contours if possible and provide for recreational areas in a designed open space central to the building cluster. This will allow a large group of residents, who may not have private outdoor open space, to have access to outdoor areas least affected by the negative impacts of the adjacent arterial, Mattawoman Drive, and the freeway, US 301. For both of these reasons, it may be said that the land use and facilities covered by the comprehensive design plan will be compatible with each other in relation to amounts of building coverage and open space.

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

The following standards shall apply to the development:

RESIDENTIAL USES—R-M ZONE¹

Minimum Net Lot Area	One-family detached 6,000 sq.ft.	Two-family attached N/A	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily N/A
·-	•		3,600 sq. ft.	1,800 sq. ft.	
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from					
Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from					
Robert Crain Highway (US 301)	TBD^{10}	TBD^{10}	$\mathrm{TBD^{10}}$	$\mathrm{TBD^{10}}$	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	. 7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50^2	25^{2}
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

PGCPB No. 10-110(A) File No. CDP-0902 Page 56

The setback along Mattawoman Drive should be a uniform 50-foot building restriction line to separate the residential use from the right-of-way. The front yard setback for all residential dwelling types should be a uniform 50 feet. A uniform streetscape setback will further enhance the appearance of the community and reduce the incompatibility between the residential land use and the proximity of an arterial.

(C) Circulation access points;

Land uses and facilities included in the plans are compatible with each other in relation to circulation access points with the following changes being made to the design:

a. A vehicular outlet to Shortcut Road is provided across the subject property from the industrial use on Parcel E.

A condition of this approval requires inclusion of this potential future connection prior to signature approval.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

(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 subject property is proposed to be built in a continuous phase of development with the construction of the commercial and employment components commencing once there is a base of residential uses, specifically 226 total units within CDP-0901 and CDP-0902, as described by the applicant.

Appropriate timing for the *payment of a fee-in-lieu of the construction of the off-site recreational facilities have been established in the subject approval. Specifically, *prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex. *[the applicant shall provide, to DPR for review and approval, construction drawings and specifications for the Phase 1 recreational facilities and related stormwater facilities in Brandywine Area Community Park prior to the issuance of 20 percent of the residential building and multifamily unit permits and construct the Phase 1 recreational facilities prior to the issuance of 50 percent of the residential building and multifamily unit permits for the entire Timothy Branch project, including CDP-0901 and CDP-0902:1

Regarding the on-site recreational facilities, the applicant proposed that the facilities will be permitted along with the building permits for the adjacent residential development within the same block. This wording does not provide a specific directive of timing; therefore, the Planning Board adopted the following phasing which relates to the phasing of the residential units within CDP-0902.

CDP-0902 - PHASING OF AMENITIES					
FACILITY	BOND	FINISH CONSTRUCTION			
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit			
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit			
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit			
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit_	Complete by 750th overall residential unit permit			
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit			
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit			
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit			
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development			

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

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

The staging of development will not be an unreasonable burden on available public facilities. This statement is based on a careful review of police facilities, fire and rescue services, schools in the area, and the applicable water and sewer category with respect to the proposed design program for the development.

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)
1 Unless the District Council amends the Basic Plan condition requiring the same

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- (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 distinguishing 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 proposed plan does not propose an adaptive re-use of a 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 except as provided in Section 27-521(a)(11), 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);

The plan incorporates the applicable design guidelines for site plans (Section 27-274) and those for the construction of townhouses (Section 27-521(a)(11)) of the Zoning Ordinance.

(10) The Plan is in conformance with an approved Tree Conservation Plan;

TCP1-151-90-01 is approved with conditions together with the subject CDP, and conditions of this approval bring it into conformance with an approved tree conservation plan.

(11) 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

The subject property was not placed in a comprehensive design zone pursuant to Section 27-226(f)(4) of the Zoning Ordinance.

(12) 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.

The Villages at Timothy Branch project is not part of a Regional Urban Community.

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 the Type 1 Tree Conservation Plan (TCP1-151-90-01), and APPROVED Variance Application No. VD-0902, and further APPROVED the Comprehensive Design Plan CDP-0902, The Villages at Timothy Branch for the above described land, subject to the following conditions:

- 1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.
- 2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be reallocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.
- 3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.
- 4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.
- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - a. Show the proposed transit alignment and include the following label: "Possible Future Transit alignment (subject to further future environmental review)."
 - b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE¹

	One-family detached	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq.ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from					•
Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from					
Robert Crain Highway (US 301)	$\mathrm{TBD^{10}}$	$\mathrm{TBD^{10}}$	$\mathrm{TBD^{10}}$	$\mathrm{TBD^{10}}$	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50^2	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

^{*}Denotes Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

ACCESSORY BUILDINGS—R-M ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet
Note: No accessory building shall be located closer to the street	line than the mair

Note: No accessory building shall be located closer to the street line than the main building.

- d. A note shall be added to the plans and the comprehensive design plan document shall be revised to include a note stating that the requirements of Section 4.7 of the *Prince George's County Landscape Manual* shall be used as a starting point or minimum for the provision of an adequate separation between incompatible uses, at the perimeter of the site. The requirement may be increased as necessary so as to ensure compatibility between incompatible uses at the time of approval of the specific design plan.
- e. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls,

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.
- (2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.
- (3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.
- (4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
- (5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.
- (6) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive and those that are determined at SDP to have highly visible corner facades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
- (7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco, or other masonry materials of equivalent quality.
- (8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.
- (9) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

- 6. Prior to certificate approval of the comprehensive design plan, the TCP1 shall be revised as follows:
 - a. Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - b. Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
 - c. Provide the minimum required widths and areas for preservation and afforestation areas.
 - d. Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - e. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - f. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.
 - g. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
 - h. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
 - i. Revise the woodland conservation worksheet to reflect all of the revisions included above.
 - j. Have the revised TCP1 signed and dated by the qualified professional who prepared it.
- 7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- 9. Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate right-of-ways for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
- 10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.
- 11. If, revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.
- 12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
- 13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.
- 14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.
- 15. Prior to certification approval of the CDP, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
- 16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.
- 17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

PGCPB No. 10-110(A) File No. CDP-0902 Page 66

- 18. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.
- 19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that offsite light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:
 - "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
- *[20. The applicant and the applicant's heirs, his successors, and/or assignces shall provide off-site public recreational facilities at the Brandywine Area Community Park in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.]
- *[21]20. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex.

[Prior to the issuance of 50 percent of the residential building permits within CDP 0901 and CDP 0902, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park as conceptually shown on Exhibit B, which includes a softball and soccer field, a 65 space parking lot, and an access road from Missouri Avenue.

*[22. Prior to the issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including single family and multifamily units, the applicant shall provide to the Department of Parks and Recreation (DPR), for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities for the Brandywine Area Community Park.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- *[23. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area Community Park.
- *[24. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
- *[25. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park and it shall be provided on-site and/or off-site on parkland owned by MNCPPC.
- *[26. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to the Department of Parks and Recreation for their approval three weeks prior to the submission of a final plat. Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- *[27. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be required at least two weeks prior to applying for building permits.]
- *[28]21. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
- *[29]22. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.
- *[30]23. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- *[31]24. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

CDP-0902 - PHASING OF AMENITIES				
FACILITY	BOND	FINISH CONSTRUCTION		
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit		
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit		
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit		
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit		
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit		
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development		

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

* "Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)
1 Unless the District Council amends the Basic Plan condition requiring the same

*[32]25. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be required at least two weeks prior to applying for building permits, unless stated otherwise in Condition 31.

*[33]26. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.

*Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- *[34]27. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.
- *[35]28. At the time of SDP, the plans shall identify the location of median refuge islands along the entire length of Mattawoman Drive per DPW&T standards and with AASHTO guidance. The exact locations and details and specifications will be determined at the time of SDP.
- *[36]29. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).
- *[37]30. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.
- *[38]31. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.
- *[39]32. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential dwellings, excluding where trails connect with the internal road network, unless environmental constraints/impacts exist that make this impractical. The final trail location shall be reviewed at the time of SDP.
- *[40]33. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.
- *[41]34. Any trail connectors on homeowners' association land to the Timothy Branch trail, if required, shall be six feet wide and asphalt.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- *[42]35. Provide details of the way finding and trail signage in accordance with AASHTO guidance at the time of specific design plan review including the location of signage. This signage can be tailored to the development and provide way finding to the commercial areas or nearby destinations. At a minimum, way-finding signage should indicate the direction of the Brandywine Area Community Park to the north of the subject site and the Rose Creek Connector trail to the south of the site.
- *[43]36. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the community buildings. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.
- *[44]37. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. Prior to certificate approval, revise the CDP to remove the "Alternative Alignment of I-503" and show only that area of the subject property needed to accommodate a future industrial road connection as a separate parcel or outlot.
- *[45]38. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

PGCPB No. 10-110(A) File No. CDP-0902 Page 71

d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

*[46]39.

The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine ,Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family detached unit, a fee calculated as \$1,306 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as \$886 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.

PGCPB No. 10-110(A) File No. CDP-0902 Page 73

- k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- 1. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
- *[47]40. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.
- *[48]41. At the time of SDP review, the applicant may redesign Residential Module 3 to reduce the block perimeter and to increase the pedestrian and vehicular circulation. The housing types within and around these blocks should be reconsidered to facilitate rear loading townhouses.
- *[49]42. At the time of SDP review, the applicant may redesign Residential Module 5 to reconfigure the multifamily units to provide a central recreation or open space.

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.

^{*}Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

PGCPB No. 10-110(A) File No. CDP-0902 Page 74

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on <u>Thursday</u>, <u>October 7, 2010</u>, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of October 2010.

*This is to certify that the foregoing is a true and correct copy of the reconsideration 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, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 19, 2015, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

*Adopted by the Prince George's County Planning Board this 19th day of March 2015.

Patricia Colihan Barney Executive Director

By

Jessica Jones

Acting Planning Board Administrator

Jessia Gones

PCB:JJ:WC:ari

APPROVED AS TO LEGAL SUFFICIENT M-NGPPC Legal Department

Date 3/23/15

*Denotes Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

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

PGCPB No. 2020-64

File No. CDP-0902-01

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on April 23, 2020, regarding Comprehensive Design Plan CDP-0902-01 for The Villages at Timothy Branch, the Planning Board finds:

1. **Request**: The application requests amendments to certain residential development standards and recreational facilities of the previously approved comprehensive design plan (CDP).

2. Development Data Summary:

	PREVIOUSLY APPROVED	APPROVED
Zone(s)	R-M/M-I-O	R-M/M-I-O
Use(s)	Residential	Residential
Gross Acreage	262	261.75
Acreage in the 100-year floodplain	38	38
Adjusted gross acreage (minus 50% floodplain)	243	242.75
Number of Dwelling Units	1,069	1,069

OTHER DEVELOPMENT DATA—Dwelling Units by Housing Types

	TREVIOUSET 1	II I KO (LD	mino	LD
Dwelling Types	Approximate % of Total Units	Number of Units	Approximate % of Total Units	Number of Units
R-M Zone				
Single-family Detached	9.45	101	17.7	189
Townhouses	34.42*	368	47.4*	507
One-Family Semi- Attached Duplex	7.48	80	5.4	58
Two-Family Attached (Two- Over-Twos)	29.18	312	6.7	72
Multifamily	19.45**	208	22.7**	243
Total Units in the R-M Zone	99.98 or approximately 100%	1,069	99.9 or approximately 100%	1,069

APPROVED

PREVIOUSLY APPROVED

Notes: *Not to exceed 50 percent **Not to exceed 25 percent

- **3. Location**: The subject property is located on the east side of US 301 (Robert Crain Highway), southeast of its intersection with MD 381 (Brandywine Road), in Planning Area 85A, Council District 9.
- 4. Surrounding Uses: This portion of the Villages at Timothy Branch development is zoned Residential Medium Development (R-M) and is bounded to the north by an existing warehouse in the Planned Industrial/Employment Park (I-3) and Employment and Institutional Area (E-I-A) Zones, the Local Activity Center (L-A-C) zoned portion of the Timothy Branch development and Brandywine and Shortcut Roads. The Timothy Branch stream valley bounds the subject site to the east. US 301 and a single, developed property zoned Commercial Miscellaneous and vacant land in the I-3 Zone bounds the western portion of the site. To the south, vacant land and light industrial uses in the Mixed Use-Transportation Oriented and Commercial Shopping Center Zones borders the subject site.
- **5. Previous Approvals:** The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the Rural-Residential Zone to the I-3 and E-I-A Zones. The 1993 *Subregion V Approved Master Plan and Sectional Map Amendment* retained the property in the E-I-A and I-3 zoning categories. There were no conditions associated with these previous zoning approvals. Zoning Map Amendment A-9987-C, approved by the Prince George's County District Council on June 6, 2008, rezoned the property from the I-3 and E-I-A Zones to the R-M Zone.

On October 7, 2010, the Prince George's County Planning Board approved CDP-0902 (PGCPB Resolution No. 10-110) for the R-M-zoned portion of the Timothy Branch development. The District Council affirmed this decision on November 4, 2013. The Planning Board approved a reconsideration of Conditions 20-27 on March 19, 2015 (PGCPB Resolution No. 10-110(A)), to adjust findings and conditions related to the provision of off-site recreational facilities. Variances were also approved with the CDP to allow for a maximum of 50 percent of dwelling units to be townhouses and a maximum of 25 percent of dwelling units to be multifamily.

On October 28, 2010, the Planning Board approved Preliminary Plan of Subdivision PPS 4-09003 (PGCPB Resolution No. 10-117(A/1)), which provided for the creation of 580 lots, 68 parcels to support the development of up to 1,200 dwelling units. It was later reconsidered twice.

On October 23, 2014, the Planning Board approved Specific Design Plan SDP-1304 (PGCPB Resolution No. 14-116) for rough grading and development of basic infrastructure, as well as dedication and construction of Mattawoman Drive, in the R-M and L-A-C zoned areas of the Timothy Branch development.

On September 14, 2017, the Planning Board approved Specific Design Plan SDP-1701 (PGCPB Resolution No. 17-119) for the first phase of development of Timothy Branch. A total of 323 dwelling units were approved for development within residential pods RM-1 and RM-2. The first amendment to this SDP was approved by the Planning Board on July 12, 2018 and provided for an increase in maximum lot coverage and for the approval of architectural modifications. The second revision, SDP-1701-02 added architecture for two new home models.

Mattawoman Drive extended, a six-lane arterial classification roadway, which will provide a diagonal southwestern to northeastern spine through the development with five residential pods grouped on either side. These pods are referred to as RM-1 through RM-5. Sections RM-1 and RM-2 are located east of Mattawoman Drive. Sections RM-3, RM-4, and RM-5 are located on the west side of Mattawoman Drive. Multifamily units are in the most southwesterly portion of the development (RM-5). The residential dwelling types in the central pods (RM-1, RM-2, RM-3 and RM-4) of the development, on either side of Mattawoman Drive, include single-family detached, single-family semidetached (duplex), single-family attached (townhouses), and two-family attached (two-over-twos). Stormwater management is planned to be handled by six ponds, four proposed ponds located on the most eastern section of the R-M zoned area, and one existing pond created in conjunction with the previously anticipated industrial park. One pond is located on the western side of existing Mattawoman Drive.

All of these features were included in the CDP as originally approved and remain unchanged. Amendments provided in CDP-0902-01 are summarized as follows: relocation of a playground and change in phasing schedule for recreational facilities; revisions to residential development standards and adjustment to quantities of proposed residential unit types.

On-site private recreation facilities provided in the original approval of CDP-0902 include:

- a. A community building and recreation center including:
 - (1) A 25-meter pool
 - (2) A wading pool
 - (3) Bathhouse/pool facilities with community meeting space;
- b. One preschool-age playground (2,500 square feet);
- c. One school-age playground (5,000 square feet);
- d. Three multi-age playgrounds (7,500 square feet);
- e. One 100-foot by 200-foot open play area;
- f. Approximately 5,600 linear feet of an eight-foot-wide hiker/biker trail with a four-foot-wide cleared earth/turf equestrian sidepath.

This amendment requests to relocate one 7,500-square-foot multi-age playground from its approved location in residential development pod RM-5 to RM-4. The applicant has proposed to provide separate private recreation facilities for the multifamily development in RM-5. These facilities would be provided in addition to those listed above. The Planning Board finds this amendment is reasonable if recreation facilities are provided within RM-5 for the use of those residents.

This amendment requests to revise the quantities of residential unit types to be provided, while maintaining adherence to the total number and percentage limitations of the mix of units previously approved. The Planning Board approves this requested amendment as it does not alter previous findings of conformance regarding the total quantity and percentage limitations for residential units.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9987:** Zoning Map Amendment A-9987-C was approved by the District Council on June 6, 2008. One condition is relevant to this CDP amendment, as follows:

Land Use Types and Quantities:

A-9987:

Total area: Approximately 262 acres

Land in the 100-acre floodplain: 19 acres Adjusted gross area: 243 acres

Density permitted under the R-M 3.6–5.7 dwelling units per Permitted Dwelling Unit Range: 874.8-1,385.1 dwelling units

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

The approved CDP proposed 1,069 residential units, or approximately 4.4 units per acre. This proposed density is within ranges approved in the basic plan and includes the uses prescribed by the Basic Plan. The amendments requested by the applicant do not change this finding. All relevant findings and recommendations provided by the approved CDP relative to A-9987-C, remain unchanged.

- 8. Prince George's County Zoning Ordinance: As one of the comprehensive design zones, the R-M Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval. The subject application has been reviewed for compliance with the requirements in the R-M and Military Installation Overlay (M-I-O) Zones of the Zoning Ordinance
 - a. Military Installation Overlay Zone: A portion of the subject site is located within the Noise Impact Zone (60-74 dBA noise contour) of the M-I-O Zone. At the time of SDP, a Phase II noise study is required for areas within the noise contour, and plans will be evaluated for conformance with Section 27-548.55 Requirements for Noise.
 - b. **Sections 27-507 through 27-509:** The Planning Board determined the subject project was found to conform to the requirements of Sections 27-501 through 27-509, except with respect to the maximum allowable percentages of townhouses and multifamily dwellings, for which a variance was previously approved with CDP-0902.
 - c. **Sections 27-179 through 27-198:** The subject project was previously found in conformance with the requirements of Sections 27-179 through 27-198. The requested amendment does not alter these findings.
 - d. Section 27-521(a) of the Zoning Ordinance includes the following required 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;

The subject CDP is in conformance with Basic Plan A-9987-C, as discussed in Finding 7 above.

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

The comprehensive design zones provide much greater flexibility in design. Compared with regulations in conventional zones, this development will achieve more green open spaces and amenities that contribute to a better built environment.

(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;

The subject project includes design elements and provides recreational facilities and amenities for the project's residents including the provision of open space, special attention to protecting environmental features, attention to views and an enhanced multimodal pedestrian system throughout the subdivision, and a generous private recreational facilities package within each pod of development, which remain unchanged with the subject amendment.

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

The subject amendment does not change the finding of compatibility with existing land use made with the original CDP approval.

- (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;
 - (B) Building setbacks from streets and abutting land uses; and
 - (C) Circulation access points;

While the subject amendment proposes changes to the residential development standards, it does not change the building setbacks from streets. It does change the building coverage on each lot, but overall, it does not propose an increase in building coverage of the whole site, as the number of units does not change. No changes are proposed to the circulation access points.

(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;

While the subject amendment proposes changes to the phasing of the recreational facilities, the proposed timing is still sufficient in creating an environment of continuing quality and stability.

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

The proposed amendments to residential development standards and recreational facilities will not impact the previous findings relative to 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 distinguishing 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 involve any adaptive uses. This requirement is not applicable to this application.

(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), 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);

The plan is consistent with this requirement by incorporating the applicable site design guidelines in the development standards for the residential dwellings, as

previously approved in CDP-0902. No changes are proposed for the townhouse development standards.

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

The development was found to be in conformance with Type 1 Tree Conservation Plan TCPI-151-90-02 at the time of approval of CDP-0902. This amendment has no impact on the previous findings regarding the tree conservation plan.

(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).

Based on the level of design information shown on the CDP, and the statement of justification that does not request any additional environmental impacts, the amended CDP demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirements of Subtitle 24-130-(b)(5).

(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

Section 27-226(f)(4) of the Zoning Ordinance is the District Council procedure for approving a comprehensive design zone application as part of a sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the comprehensive design zone through a basic plan application, not through 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 The Villages at Timothy Branch is not a regional urban community.

9. Comprehensive Design Plan CDP-0902: This application is limited to the amendments described in Finding 6. All previous findings and conditions, except for those modified in this application, remain valid and govern the development of the R-M-zoned section of The Villages at Timothy Branch. The requested amendments alter the previous CDP conditions of approval as follows:

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M Zone¹

	One-family detached	Two-family attached	Single-family semidetached 8,9	Single- family attached ^{3,} 8,9	Multifamily
	C 000 64			1,800	
Minimum Net Lot Area	6,000 sq.ft.	N/A	3,600 sq. ft.	sq.ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35^{4}	35	35^{4}	50^{4}
Minimum building setback from					
Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from					
Robert Crain Highway (US 301)	TBD^{10}	TBD^{10}	TBD^{10}	TBD^{10}	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building					
height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50^2	25^2
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

- ⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area
- ⁵ Stoops and/or steps may encroach into yard area.
- ⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- ⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- ⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- ⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.
- ¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- ¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

This CDP amendment requests to introduce one new development standard requiring a minimum distance between buildings for one-family detached and single-family semidetached dwellings; add two additional footnotes to the development standards table and; amend the following residential design standards, with all other previously approved standards remaining applicable:

	Previously Approved for One-family detached	APPROVED for One-family detached
Minimum Net Lot Area	6,000 square feet	5,200 square feet
Minimum frontage at street R.O.W.	60 feet	44 feet
Minimum frontage at Front B.R.L.	60 feet	50 feet
Maximum lot coverage (%)	30 percent for One-family detached; 35 for single-family semidetached	60 percent for both
Minimum side setback	10 feet for One-family detached and single-family semidetached	5 feet for both
Minimum distance between buildings (new)	None	12 feet for One-family detached and single-family semidetached
Minimum side setback to street	25 feet	20 feet
Minimum frontage on cul-de-sac	40 feet	30 feet

The CDP amendment also proposes to revise Footnote 3 to require rear-load garage townhomes to have a minimum 20-foot front yard setback, instead of the previously approved 25 feet, in order to reduce the length of the driveway. In addition, two new footnotes were added on the certified CDP-0902 in accordance with other conditions of approval as follows:

- 12 At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- 13 A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the SDP for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for others residential product types along US 301 shall be considered in the determination of establishing the building restriction lines.

The applicant requests these amendments to better conform to market demand and ensure consistency with the SDP approvals. These revised standards are designed to provide deeper back yards with reduced lot widths for single-family products, which results in a reduced minimum net lot area. The proposed standards are consistent with other recently approved R-M zoned properties, such as Parkside, Beechtree, and Bevard East. The Planning Board finds the requested amendments approvable.

*[31]24. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES				
FACILITY	BOND	FINISH CONSTRUCTION		
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit Complete by 200th overall* unit permit			
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit		
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit		
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit		
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit		
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit		
Timothy Branch Stream Valley Trail1 (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development		

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

The CDP amendment requests to update the established timing and order to complete construction of the above referenced recreation facilities. Since the CDP was originally approved, the planned phasing for the overall development of Timothy Branch evolved. The requested revision is intended to bring the schedule for providing individual

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)
1 Unless the District Council amends the Basic Plan condition requiring the same

recreation facilities in-line with the development of each residential pod and proposes the following amendments (added text underlined, deleted text strikethrough):

FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage – RM3 <u>RM4</u>	Prior to the issuance of any residential unit permit within RM3 RM4	Complete by 4 50th <u>700th</u> overall residential unit permit
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th 650th overall residential unit permit
7,500 sq. ft. multiage – RM5 <u>RM3</u>	Prior to the issuance of any residential unit permit with RM5 RM3	Complete by 1,000th <u>775th</u> overall residential unit permit

The applicant states that the above changes relocate several facilities and the timing for finish of construction. The multi-age playground was moved out of RM5 as the multifamily development will provide its own amenity package. In addition, RM4 will be developed before RM3 due to its proximity to Mattawoman Drive. The Planning Board finds the amendments approvable as the number and type of proposed facilities does not change.

- 10. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance: The amendments proposed have no impact on previous findings regarding the site's conformance with the requirements of both the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.
- 11. Further Planning Board Findings and Comments from Other Entities: The subject application was referred to the concerned agencies and divisions, which was limited due to the scope of the amendment. The referral comments are included herein by reference, and major findings are summarized, as follows:
 - a. **Community Planning**—The Planning Board reviewed a memorandum dated March 23, 2020 (Greene to Bossi) incorporated herein by reference, which noted that the application conforms to the standards intended to implement the development concept recommended by the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*.
 - b. **Transportation Planning**—The Planning Board reviewed a memorandum dated March 30, 2020 (Masog to Bossi) incorporated herein by reference, which noted that no significant changes to access or circulation are proposed and that a new traffic study was not required. The change in residential unit mix provided slightly exceeds the trip cap limits established by the original CDP. However, Condition 2 of CDP-0902 allowed for the reallocation of trips between the subject R-M-zoned portion of Timothy Branch (CDP-0902) and the L-A-C-zoned portion (CDP-0901). The applicant presented data to

show the intended future trip intensity for the L-A-C area will be significantly lower than provided for in previous approvals. As development densities are modified, trips may be reallocated between these sections of the development provided the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

- c. **Environmental Planning**—The Planning Board reviewed a memorandum dated April 1, 2020 (Finch to Bossi) incorporated herein by reference, which indicated that based on the level of design information currently shown on the CDP, the application is in conformance the previously approved Type 1 Tree Conservation Plan, TCP1-151-90-02.
- d. **Trails**—The Planning Board reviewed a memorandum dated March 23, 2020 (Smith to Bossi) incorporated herein by reference, which noted that prior approvals for the subject site include conditions related to pedestrian and bicycle transportation facilities. This CDP amendment does not alter the conditions relevant to the alignment, design, or other provisions required for trail, bicycle and other transit facilities.
- e. **Subdivision**—The Planning Board finds that the proposed amendments provided in CDP-0902-01 do not alter the previous findings and conditions relevant to the PPS.

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 Comprehensive Design CDP-0902-01 for the above described land, subject to the following conditions:

- 1. Prior to certificate approval of this comprehensive design plan (CDP), the applicant shall provide a note on the CDP stating:
 - "Private recreation facilities are to be provided in the multifamily RM-5 development, in addition to the eight facilities included in this CDP approval."
- 2. All previous conditions of approval of Comprehensive Design Plan CDP-0902 remain applicable, except as specifically modified herein.

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.

* * * * * * * * * * *

PGCPB No. 2020-64 File No. CDP-0902-01 Page 15

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, April 23, 2020 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of May, 2020.

Elizabeth M. Hewlett Chairman

By Jessica Jones Planning Board Administrator

EMH:JJ:AB:nz

APPROVED AS TO LEGAL SUFFICIENCY

David S. Warner /s/ M-NCPPC Legal Department

Date: April 27, 2020



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

March 24, 2015

Timothy Brandywine Investments One & Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114

Re: Notification of Planning Board Action on

Preliminary Plan 4-09003 Villages of Timothy Branch

Dear Applicant:

This is to advise you that on March 19, 2015 the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice **March 24, 2015**.

Very truly yours, Alan Hirsch, Chief

Development Review Division

Reviewe

c: Pe

Persons of Record

PGCPB No. 10-117(A1)

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

PGCPB No. 10-117(A/1)

File No. 4-09003

AMENDED RESOLUTION

WHEREAS, Timothy Brandywine Investments One, LLC and Timothy Brandywine Investments Two, LLC are the owner of a 334.26-acre parcel of land known as Tax Map 145 in Grid B4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned L-A-C (Local Activity Center) and R-M (Residential Medium Development); and

WHEREAS, on May 11, 2010, Timothy Brandywine Investments One, LLC and Timothy Brandywine Investments Two, LLC filed an application for approval of a Preliminary Plan of Subdivision for 580 lots and 68 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09003 for Villages of Timothy Branch was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 28, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 28, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated December 9, 2011, the applicant requested a reconsideration of Finding 14 and Condition 41 relating to police response time reporting; and

*WHEREAS, on January 5, 2012, the Planning Board approved the request for reconsideration based on the on the limited scope of the analysis of the police time reporting; and

*WHEREAS, on April 5, 2012, the Planning Board heard testimony regarding the reconsideration.

†WHEREAS, by letter dated February 11, 2015, the Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 13-20 and findings related to off-site recreational facilities at the Brandywine Area Community Park; and

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

PGCPB No. 10-117(A/1) File No. 4-09003 Page 2

†WHEREAS, on March 19, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

†WHEREAS, on March 19, 2015, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-151-90-02), and further APPROVED Preliminary Plan of Subdivision 4-09003, Villages of Timothy Branch, including a Variation from Section 24-121(a)(3) and Section 24-121(a)(4) for 580 lots and 68 parcels with the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Comprehensive Design Plans CDP-0901 and CDP-0902 and the accompanying text shall be certified;
 - b. Incorporate the changes required by the approved CDPs and accompanying text into the preliminary plan, including the residential portion of the L-A-C Zone and the RM-3 and RM-5 sections of the R-M Zone.
 - c. Clarify parcel lines to show a 150-foot lot depth for all residential parcels abutting Mattawoman Drive; and,
 - d. Show that all accesses and rights-of-way conform to the standards of Section 24-128 of the Subdivision Regulations.
 - e. Remove all proposed structures.
 - f. Provide a list of existing parcels.
 - g. Correct the number of lots and parcels proposed.
 - h. Provide reference to the variations approved.
- 2. Prior to signature approval of the preliminary plan:
 - a. The TCP1 shall be revised as follows:

[†]Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

- (1) Provide on-site a total of the woodland conservation threshold plus the additional acreage required for clearing below the woodland conservation threshold, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
- (2) To conform to the ultimate rights-of-way as approved on the preliminary plan and eliminate woodland conservation from proposed ultimate rights-of-way and easements.
- (3) Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
- (4) Provide the minimum required widths and areas for preservation and afforestation areas. If landscaped areas are proposed, they must be appropriately shaded and labeled including a note that the areas shall contain at least 50 percent trees and that the detailed plant schedules will be provided with the SDP.
- (5) Add the following note to the standard TCP1 notes:

"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

- (6) Meet the requirements of the Environmental Technical Manual with regard to standard notes.
- (7) Add a note to the specimen tree table stating the method of specimen tree location (field or survey located).
- (8) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
- (9) To show no afforestation or preservation areas within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District reviewers.
- (10) To reflect correct plan numbering nomenclature on the approval blocks of all sheets.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

<u>Underlining</u> indicates new language

- (11) To reflect all of the revisions included above on the woodland conservation worksheet.
- (12) Have the revised TCP signed and dated by the qualified professional who prepared it.
- b. The preliminary plan and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.
- c. The proposed noise berm shall be shifted to the east in order to eliminate proposed PMA Impact 5.
- d. Provide a tree canopy coverage (TCC) schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
- e. The preliminary plan and TCP1 shall be revised to show a lotting pattern and berm design that show the berm footprint completely on-site and provide a 100-foot-wide berm footprint throughout its length in Residential Module 2.
- f. The locations of noise contours and required lot depths shall be verified on the preliminary plan and TCP1 to ensure they remain in conformance with the provisions of the Subdivision Regulations and the approved variation.
- 3. Prior to approval of the SDP, the the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.
- 4. The approval of the final plat shall not occur until after the approval of the associated specific design plan that approves all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted.
- 5. At the time of each final plat:
 - a. A conservation easement shall be described by bearings and distances, and shall include the entirety of the regulated environmental features on the site except for any areas of impacts approved by the Planning Board as shown on the approved Type 2 tree

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

PGCPB No. 10-117(A/1) File No. 4-09003 Page 5

conservation plan. The plat shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee and the approval of a revised tree conservation plan. The removal of hazardous trees, limbs, branches, or trunks is allowed."

b. The following note shall be placed on the plat:

"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and offsite. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

c. The following note shall be placed on the plat:

"Development is subject to restrictions shown on the approved Type1 Tree Conservation Plan (TCP1-150-90/02), or as modified by future revisions, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Type TCP1 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."

d. Woodland conservation requirements that cannot be fulfilled on-site for the subject application shall be provided off-site within the Mattawoman Creek watershed. The following note shall be placed on the final plat of subdivision:

"All off-site woodland conservation requirements for the overall project shall be fulfilled within the Mattawoman Creek watershed."

6. Prior to approval of the first SDP, a proposed stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

PGCPB No. 10-117(A/1) File No. 4-09003 Page 6

identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

- 7. At the time of the first SDP submittal, the submission package shall include a proposed site development for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 8. Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T with regard to the location, size, and plant stocking proposed.
- 9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior for residential units throughout the site.
- 10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.
- 11. Applications for building permits for lots and structures identified on the SDP requiring noise mitigation measures shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for residential units.
- 12. The SDP for development that abuts historic Brandywine Road shall be referred by M-NCPPC to SHA for evaluation of context sensitive solutions (CSS).
- †Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

[Prior to the approval of building permits for 20 percent of the residential dwelling units within Preliminary Plan 4-09003, the applicant shall provide to the Department of Parks and Recreation (DPR) an approved TCP2 for the construction of Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79). If off-site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for the Brandywine Area Community Park, the applicant shall be responsible for preparing a TCP2 or a revision to an existing TCP2 demonstrating how the requirement will be fulfilled. If off-site woodland conservation on parkland is required, then a woodland conservation transfer certificate shall be submitted to the Planning Department prior to the issuance of any grading permits for the Brandywine Area Community Park.

- 14. Prior to the approval of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide M NCPPC copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the associated mitigation plans.
- 15. The applicant and the applicant's heirs, successors, and/or assignees shall provide off site public recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
- 16. Prior to approval of building permits for 50 percent of the residential dwelling units within Preliminary Plan 4-09003, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) as conceptually shown on Exhibit B, which includes the following:
 - softball field
 - soccer field
 - 65-space parking lot
 - access road from Missouri Avenue
- 17. Prior to approval of building permits for 20 percent of the residential dwelling units, including single-family and multifamily units, the applicant shall submit to DPR, for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79)
- 18. The applicant and the applicant's heirs, successor, and/or assignees shall:

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- a. Be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area Community Park.
- b. Construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
- e. Provide tree mitigation required for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park on site and/or off-site on parkland owned by M-NCPPC.
- 19. Prior to approval of a final plat, the applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and reflected on the final plat.
- 20. Prior to the approval of building permits for 30 percent of the residential dwelling units, including single-family and multifamily units, the applicant and the applicant's heirs, successors, and/or assignees shall submit to DPR a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park in an amount to be determined by DPR for the improvements associated with the Brandywine Area Community Park.]
- †[21]14. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by M-NCPPC for adequacy and proper siting at the time of specific design plan.
- †[22]15. The applicant shall submit three original executed private RFAs for the private on-site recreational facilities to the Development Review Division (M-NCPPC) for approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- †[23]16. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by DRD, in accordance with the timing established in each SDP.
- †[24]17. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

†Denotes 2015 Amendment

<u>Underlining</u> indicates new language

^{*}Denotes 2012 Amendment

- a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.
- b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.
- c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.
- f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.
- g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
- h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.
- i. The eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots.
- j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.
- k. Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.

PGCPB No. 10-117(A/1) File No. 4-09003 Page 10

- 1. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.
- †[25]18. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's frontage.
- †[26]19. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upona comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.
- †[27]20. The applicant and the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward construction of these off-site transportation improvements shall be payment of the following:

For each non-residential unit, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family unit, a fee calculated as \$1,306 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multifamily unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of the issuance of building permits. Prior to the issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- a. Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Installing a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Making minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstructing the traffic signal at US 301/MD 381.
- f. Installing a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Providing a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstructing the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63, north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- 1. Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- †[28]21. Total development of the overall site shall be limited to uses that would generate no more than 1,269 AM and 1,775 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- †[29]21. Prior to signature approval, the preliminary plan shall be modified as follows:
 - a. The portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.
 - b. Remove the "Alternative Alignment for Master Plan I-503" notation and show only that area of the subject property needed to accommodate a future industrial road connection as a separate outlot.
 - c. Add a note stating: "A 40-foot-wide strip parallel and adjacent to US 301/MD 5 has been identified as a Possible Future Transit Alignment subject to further future environmental review."
- †[30]22. All appropriate specific design plans shall limit access to A-63 as follows:
 - a. Any public or private streets shown on the approved preliminary plan.
 - b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.
 - c. A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.
- †[31]23. The final plat shall note a denial of access along the site's frontage of US 301/MD 5.
- †[32]24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the *Guidelines for Archeological Review*.
- †[33]25. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

- †[34]26. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. The National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.
- †[35]27. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.
- †[36]28. Prior to signature approval of the preliminary plan, the preliminary plan shall conform to all applicable Zoning Ordinance requirements and CDP conditions, including the following:
 - a. A minimum 50-foot building restriction line shall be shown on the plan for all residential buildings along Mattawoman Drive.
 - b. The multifamily units within the L-A-C Zone shall be labeled for active adult use only.
 - c. In the L-A-C Zone, the plan shall list the proposed mixed-use development on this property as including a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.
 - d. In the L-A-C Zone, the plan shall be revised to show the community building and swimming pool relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development.
 - e. In the L-A-C Zone, the plan shall be revised to reflect that the residential development is limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units.
 - f. The plan shall show a minimum 40-foot wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements along the southern frontage of Brandywine Road.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language

- g. The plan shall show a 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.
- h. The plan shall show the residential development designed to minimize the use of public streets ending in a cul-de-sac.
- i. The plan shall be revised to reflect the development standards approved in CDP-0901 and CDP-0902 for all residential and commercial uses in the L-A-C and R-M Zones.
- j. The plan shall be revised to reflect a minimum lot area for townhouses of 1,800 square feet.
- k. The plan shall be revised to reflect no more than six townhouses per building group, except where otherwise reviewed and approved.
- 1. The plan shall be revised to reflect a minimum width of 20 feet for all townhouses.
- m. In the LAC Zone, the plan shall be revised to reflect a redesign of the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.
- n. In the LAC residential module, the plan shall be revised to show the private loop road as a public right-of-way, as necessary, to provide sufficient street frontage to serve the multifamily parcel.
- o. A minimum 200-foot-wide building restriction line shall be shown on the plans along US 301 on parcels where multifamily units are proposed.
- p. Show the proposed transit alignment and include the following label: "Possible Future Transit Alignment."
- q. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.
- r. The plan shall be changed prior to signature approval to reflect a 120 foot right-of-way along the entirety of Mattawoman Drive.

^{*}Denotes 2012 Amendment

- s. In Residential Module 5, the plan shall be revised to delete the multifamily layout shown on the plans to allow for design, to be determined at the time of review and approval of the relevant SDP.
- t. In Residential Module 3, the plan shall be revised to reflect a redesign of the residential pod within Parcels C and D to include additional connectivity and the formation of pedestrian friendly blocks and a recreational facility.
- †[37]29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each future plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.
- †[38]30. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
- †[39]31. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as identified on the approved specific design plan. Land to be conveyed shall be subject the following:
 - a. A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - b. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to HOA shall be in accordance with an approved SDP or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by DRD.
- g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- †[40]32. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.
- *[41. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$5,082,000 (\$4,235 x 1,200 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,235 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

As an alternative to the sole payment of the mitigation fee required above, the applicant at the time of the first grading permit for the development may submit a valid Mitigation Plan established pursuant to the provisions of CR-78-2005.]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. **Overview**—The subject property is located on Tax Map 145 in Grid B4 and is divided into two portions. The northern portion of the site is known as Parcels A through G of the Brandywine

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Commerce Center, zoned L-A-C (Local Activity Center) and R-M (Residential Medium Development). Parcel E is not a part of this application. The subject property is partially cleared and some infrastructure is constructed. The southern portion of the site is known as unrecorded Parcels 4, 13, 19, and 25, zoned R-M. This portion of the site is undeveloped. The subject property consists of 72.26 acres of land in the L-A-C Zone and 262 acres of land zoned R-M, for a total of 334.26 acres. The applicant proposes to construct 1,200 dwelling units of mixed residential types and 305,000 square feet of commercial and office development.

- 3. Setting—The property is located on the east side of US 301 at its intersection with MD 5. The northern portion of the property is zoned L-A-C and the southern portion is zoned R-M. The site completely surrounds Parcel E, zoned E-I-A, which is currently used for an H.H. Gregg warehouse. Also, the property surrounds the Southern Maryland Oil gas station on the east side of US 301/ MD 5, which is zoned C-M (Miscellaneous Commercial). Properties across Brandywine Road are zoned M-X-T (Mixed Use-Transportation Oriented). They are currently vacant, with the developments of Stephen's Crossing and Brandywine Business Park proposed. Properties bounding the northwest edge of the property and across Short Cut road are zoned I-1 (Light Industrial). These are used for automobile sales and salvage. Across US 301/MD 5, land is zoned M-X-T and is currently undeveloped. To the south of the site is the Brandywine Crossing shopping center, which is zoned C-S-C (Commercial Shopping Center), I-1 and I-2 (Heavy Industrial). Property to the east is zoned R-R (Rural Residential) and developed with single-family detached residences.
- 4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED
Zone	R-M (262.acres)	R-M(262. acres)
Zono	L-A-C (72.26 acres)	L-A-C (72.26 acres)
Use(s)	Undeveloped	Mixed Residential, Commercial Retail and Office
Acreage	334.26	334.26
Lots	0	580
Outlots	0	1
Parcels	10	. 68
Dwelling Units:	0	1,200
One-family Detached	0	101
One-family Semidetached	0	100
Townhouse	0	379 .
Two-family Attached	0	352

[†]Denotes 2015 Amendment

Underlining indicates new language

^{*}Denotes 2012 Amendment

Multifamily	0	268
Retail/Commercial	0	305,000 sq. ft.
Public Safety Mitigation Fee	No	Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 28, 2010. The requested variation to Section 24-121(a)(4) was accepted on July 30, 2010, as discussed further in this report, and was also heard on August 6, 2010 at SDRC as required by Section 24-113(b). The case was continued from the Planning Board meeting on October 21, 2010.

5. **Environmental**—The Environmental Planning Section has reviewed the revised preliminary plan and Type 1 Tree Conservation Plan (TCP1-151-90-02) for the Villages of Timothy Branch, stamped as received by the Environmental Planning Section on August 19, 2010, and other supplemental information. The following comments are provided based on the additional information submitted and the approval of CDP-0901 and CDP-0902.

Revised plans for CDP-0901 and CDP-0902 were submitted on July 21, 2010 for the subject property and approved by the Planning Board on October 7, 2010, subject to conditions. The Environmental Planning Section recommends approval of Preliminary Plan 4-09003 and Type 1 Tree Conservation Plan TCP1-151-90-02 subject to conditions.

Background

The Environmental Planning Section has reviewed this site extensively in the past. The pertinent cases begin with Preliminary Plan 4-92048 (Brandywine Commerce Center) with associated Type I Tree Conservation Plan TCPI/151/90 for a 372.24-acre tract which was approved subject to PGCPB Resolution No. 92-187. The preliminary plan for this site indicated that development would occur in six phases. Subsequently, a Type II Tree Conservation Plan, TCPII/68/93, was approved for Phases I and II on the northern end of the property for the purposes of constructing stormwater management ponds and nontidal wetland mitigation areas. A Type II tree conservation plan (TCPII) was also approved for Phases III through VI (the southern portion of the property) for the purpose of installing a culvert in the Timothy Branch stream valley, which was required for the extension of master-planned Mattawoman Drive. This culvert was never installed, and Phases III through VI were never platted. The preliminary plan subsequently expired.

In 1997, Detailed Site Plan SP-97012 and Specific Design Plan SDP-9703 were approved for a 28.45-acre site in the Brandywine Commerce Center which straddled the I-3 (Planned Industrial/Employment Park) and E-I-A Zones for the development of a Circuit City Warehouse, and a separate Type II Tree Conservation Plan, TCPII/42/97, was approved for the area of TCPII/68/93 located on the northwest side of Mattawoman Drive in conformance with TCPI/151/90. A lot line adjustment was subsequently platted for Parcel E, which was developed in

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

> accordance with the approved plans. No other development has moved forward on the site since that time.

Two Zoning Map Amendments, A-9987-C and A-9988-C, were requested in 2007 affecting 334.26 acres of the original Brandywine Commerce Center site (Parcel E containing 28.53 acres was excluded from these applications). Zoning Map Amendment A-9987-C proposed the rezoning of approximately 72 acres at the northern end of the site from the I-3 Zone (a conventional zone) and E-I-A Zone (Employment and Institutional Area, a comprehensive design zone) to the L-A-C Zone (Local-Activity-Center, a comprehensive design zone).

Zoning Map Amendment A-9988-C proposed the rezoning of approximately 262 acres of the site from the I-3 and E-I-A Zones to the R-M Zone (Residential Medium Development, a comprehensive design zone).

The two zoning map amendments were approved by the District Council subject to conditions contained in Zoning Ordinance No. 17-2008 on June 16, 2008.

The Environmental Planning Section reviewed the separate Comprehensive Design Plans (CDP-0901 and CDP-0902) along with the joint Type 1 Tree Conservation Plan (TCP1-151-90-01) for the R-M and L-A-C-zoned sections of the Villages of Timothy Branch, as approved.

The current application is a preliminary plan for the development of 334.26 acres in the R-M and L-A-C Zones.

Site Description

The subject property is 72.26 acres in the L-A-C Zone and 262.00 acres in the R-M Zone located in the southeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381) Road. Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed and the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. Brandywine Road (MD 381), which borders the site on the north, is a designated historic road. The portion of Brandywine Road west of Mattawoman Drive is classified as an industrial road in the Approved Countywide Master Plan of Transportation (MPOT) as is Short Cut Road, which is also adjacent to this site. The section of Crain Highway (US 301), which borders the site to the west, is a master-planned freeway and an existing source of traffic-generated noise. Mattawoman Drive and A-63, which are internal to the site, are both classified as arterials which are generally regulated for noise impacts when associated with residential development. According to the Prince George's County Soil Survey, the principal soils on the site are in the

†Denotes 2015 Amendment *Denotes 2012 Amendment Underlining indicates new language

Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown, and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the *Prince George's County General Plan*. According to the *Approved Countywide Green Infrastructure Plan*, the stream valley along the eastern boundary is a regulated area and the majority of the property is an evaluation area, with small areas of network gap.

Conformance with the General Plan

The Environmental Infrastructure chapter of the General Plan contains policies and strategies applicable to preservation, enhancement, and restoration of the natural environment and its ecological functions as the basic component of a sustainable development pattern. The following policies and strategies are applicable to the current review.

Policy 1: Preserve, protect, and enhance the designated green infrastructure elements.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern.

Strategy V. Meet the requirements of the Woodland Conservation Ordinance on-site to the fullest extent possible within the Mattawoman watershed. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

Policy 5: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.

Policy 7: Minimize impacts of noise on residential uses during the land development process.

The above listed policies, as well as the specific strategy related to the Mattawoman Creek watershed, are discussed below as part of the findings of conformance with the Green Infrastructure Plan, subregion master plans, and the overall review of the proposal.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the Countywide Green Infrastructure Plan, which are consolidated along the stream corridor located along the eastern border of this site. The submitted application shows the preservation of the regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

The Mattawoman Creek stream valley was designated as a special conservation area in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream system in the watershed is of particular concern, and when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and protect water quality, as discussed further.

The following policies are applicable to the review of the subject application:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated areas, evaluation areas, and network gap areas as identified in the Countywide Green Infrastructure Plan located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area.

As noted above, it appears that the submitted application shows the preservation of regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices. It is recommended that environmental site design techniques be applied throughout this site, to the fullest extent practicable, because this site may be subject to the new stormwater management regulations. The stormwater management concept approval letter states that six wet ponds are proposed to be used to meet the stormwater management requirements.

All future specific design plan submission packages should include a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques to the maximum extent practicable.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment *Denotes 2012 Amendment

This policy is superseded by the General Plan policy and strategy to meet the requirements of the woodland conservation on-site to the fullest extent possible within the Mattawoman watershed, or if off-site mitigation is required, to provide it within the Mattawoman watershed.

The TCP2 for the subject property should demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it should be provided within the Mattawoman watershed. The use of fee-in-lieu is discouraged.

Conformance with the Subregion 5 Master Plan

The subject property is located within the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment. The protection of the regulated environmental features proposed on the CDP and associated TCP1 is in general conformance with the guidance provided by the master plan.

The ultimate public rights-of-way associated with the subject property (both state and county) conform with the transportation improvements approved with the Subregion 5 Master Plan and the Master Plan of Transportation.

The CDP and TCP1 must be revised prior to certification to show the transportation improvements approved with the Subregion 5 Master Plan, the Master Plan of Transportation, and the US 301 Upgrade Option as determined by the Transportation Planning Section. The preliminary plan and associated TCP1 should also reflect the transportation improvements as shown on the certified CDP plan.

Conditions of Previous Zoning Approvals

Brandywine-Mattawoman SMA: The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the R-R (Rural Residential) Zone to the I-3 and E-I-A Zones.

Subregion V Approved Master Plan and SMA: The 1993 Approved Subregion V Master Plan and Sectional Map Amendment retained the property in the E-I-A and I-3 zoning categories.

There were no conditions associated with these previous zoning approvals.

Zoning Map Amendment A-9989-C: The subject property was rezoned to the R-M Zone by the District Council (Zoning Ordinance No. 17-2008) effective July 11, 2009, subject to conditions and one consideration. The conditions, which are environmental in nature, are shown in bold and are addressed below:

9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.

A revised Natural Resources Inventory (NRI-002-07/01) for the subject property, in conformance with environmental legislation effective September 1, 2010, was approved on August 19, 2010. The preliminary plan has been revised to correctly show the regulated environmental areas of the site based on the revised NRI.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

A revised Type 1 Tree Conservation Plan (TCP1-151-90/01) was submitted with the current application. A condition is proposed below to address this requirement. The proposed condition would require the threshold and the replacement requirements for clearing below the threshold to be provided on-site.

Conformance with the Conditions of Approval for CDP-0901

The following conditions, indicated in bold, were approved as part of CDP-0901 and are environmental in nature:

- 7. Prior to certificate approval of the comprehensive design plan:
 - a. The TCP1 shall be revised as follows:
 - (1) Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - (2) Revise the TCP1 to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 master plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
 - c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

These revisions to the CDP and TCP1, prior to certification, must also be addressed on the preliminary plan of subdivision and its associated TCP1.

Prior to signature approval of the preliminary plan, the TCP1 should be revised to show the provision of the total of the woodland conservation threshold for the site, plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard will be maintained on all future tree conservation plans.

The TCP1 should reflect the ultimate rights-of-way as approved on the preliminary plan, and the CDP and the TCP1 should be revised to show a minimum 40-foot-wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

- 8. Prior to the approval of a specific design plan, the following shall be provided:
 - c. The design of the landscape bufferyard treatment proposed adjacent to the land use envelope for the development pods fronting on Brandywine Road should compliment the landscape and buffer treatments proposed on Lots 21 and 22, Stephen's Crossing, located on the north side of Brandywine Road, or any other development thereon approved by the Planning Board, and shall be addressed with the approval of the SDP.
 - n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 10. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
- 12. Construction/building shells for all office buildings, fronting on Mattawoman Drive, proposed within the 65dBA LDN noise contour or higher, should be designed to reduce noise levels.

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

The above conditions are applicable to the acceptance or the approval of any SDP and shall be addressed as part of those applications.

†[19. The applicant shall be responsible for tree mitigation required for the construction of Phase 1 recreational facilities in Brandywine Area Community Park, which shall be provided on site and/or off-site on parkland owned by M-NCPPC.

The above condition will be addressed during the review of the TCP for the development of the Brandywine Area Community Park.

Conformance with Conditions of Approval for CDP-0902

The following conditions, indicated in bold, were approved as part of CDP-0902 and are environmental in nature. Some of the conditions listed below are redundant of conditions required by CDP-0901, and only need to be addressed once under the preliminary plan, which covers both CDPs.

- 6. Prior to certificate approval of the comprehensive design plan, the TCP1 shall be revised as follows:
 - a. Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - b. Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
 - c. Provide the minimum required widths and areas for preservation and afforestation areas.
 - d. Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - e. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - f. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- g. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
- h. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
- i. Revise the woodland conservation worksheet to reflect all of the revisions included above.
- j. Have the revised TCP1 signed and dated by the qualified professional who prepared it.

Because the CDP and TCP1 have not received signature approval, these conditions should also be addressed under the preliminary plan prior to signature approval.

- 7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The above conditions shall be addressed during the review of any specific design plan and the associated TCP2.

9. Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate right-of-ways for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.

The conditions to address the ultimate rights-of-way on the preliminary plan and TCP1 are included in the Recommendation section of this report.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

A variation request for impacts to the primary management area (PMA) was submitted on August 2, 2010. However, ordinance changes effective September 1, 2010, the requirement to disturb the PMA requires only a statement of justification and a finding of preservation and/or restoration to the fullest extent possible. The letter previously received with the variation request is accepted as the statement of justification for the review of the PMA impacts proposed.

The statement of justification has been evaluated in the Environmental section of this approval; however, the final design of PMA impacts will need to be evaluated further at the time of SDP. At that time, one of the required findings is that the "regulated environmental features of the site have been preserved and/or restored to the fullest extent possible." The final design of all PMA impacts will be addressed using this required finding at the time of SDP.

11. If revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

The extent of the proposed impacts to the regulated environmental features, after revisions were made to the NRI, preliminary plan, and TCP1, have not been quantified on the application in such a way that a determination can be made regarding whether or not mitigation is required. It appears that the impacts proposed exceed the thresholds that would result in the need for stream and/or wetland mitigation; although, due to the fact that additional revisions to the plans are needed, it is not possible at this time to make this determination.

Because of the general concurrency of the review of the CDP and the preliminary plan, it was not possible to obtain specific information regarding mitigation sites and types. The specific information regarding mitigation sites and a conceptual mitigation plan for the selected sites should be provided with the submission of the first SDP for the project.

Possible mitigation sites have been identified on the stream corridor assessment. If mitigation is required, the mitigation will include stream restoration and/or stabilization, wetland creation, and erosion control projects. Conformance with the above CDP condition can be found with appropriate conditions regarding the method for plan preparation.

If the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, the first SDP submission package must include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

mitigation sites will be as follows: the Stream Corridor Assessment database will be researched by the applicant and a list of possible mitigation sites be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation will be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

This condition will be addressed prior to acceptance of any SDP.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

A variance for removal of Specimen Tree No. 3 will be evaluated with the associated SDP and TCP2.

14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

A TCP2 is reviewed in association with a SDP. Submittal of a site development stormwater management plan will be required with the SDP application if woodland conservation credits within a stormwater management easement are proposed.

15. Prior to certification approval of the CDP, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.

All development applications are now subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, which must be demonstrated at each step in the development review process. The TCP1 submitted includes a note addressing tree canopy coverage (TCC), but a schedule has been developed by the Environmental Planning Section, which provides a more consistent approach to demonstrating compliance which addressed both tree canopy coverage provided by woodland conservation and that provided by landscape trees. Prior to signature

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

approval of the preliminary plan, a TCC schedule should be included on the TCP1 indicating how the TCC requirement has been fulfilled.

16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

An appropriate condition has been included in the Recommendation section of this report and will be addressed with any future SDP and associated TCP2.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

The above condition will be addressed with any future SDP which proposes residential units.

18. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

The above condition will be addressed prior to the issuance of building permits for residential uses.

19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The above condition will be addressed with any future SDP.

- †[22. Prior to the issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including single-family and multifamily units, the applicant shall provide to the Department of Parks and Recreation (DPR), for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities for the Brandywine Area Community Park.
- 23. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area community Park.
- 24. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
- 25. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park and it shall be provided on-site and/or off-site on parkland owned by M-NCPPC.

The above conditions relate to the development of required recreational facilities off-site at the Brandywine Area Community Park. A recommended condition requires that, prior to the issuance of 20 percent of the residential building permits, construction drawings and specifications for recreational facilities and related stormwater management facilities for Phase 1 development of the Brandywine Area Community Park be submitted to the Department of Parks and Recreation (DPR). The condition above does not include the required TCP2 that is necessary with the proposed projects.

Prior to the issuance of building permits for 20 percent of the residential units within this preliminary plan, including single family and multifamily units, the applicant should provide to DPR an approved TCP2 for the construction of the Phase 1 recreational facilities at the Brandywine Area Community Park. If off-site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for Brandywine Area Community Park, the applicant will be responsible for preparing a TCP2 or revising an existing TCP2 demonstrating how the requirement will be fulfilled. If off-site woodland conservation on parkland is required, then a woodland conservation transfer certificate will be submitted to the Planning Department prior to the issuance any grading permits for the Brandywine Area Community Park.]

†In 2010, the Prince George's County Department of Parks and Recreation (DPR) recommended to the Planning Board, in the approval of the Comprehensive Design Plans CDP-0901 and

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

CDP-0902, conditions for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park (M-NCPPC) including: a softball field, a soccer field, a 65-space parking lot, and a vehicular access road from Missouri Avenue. The Preliminary Plan of Subdivision, 4-09003, established the timing for the preparation of a tree conservation plan, construction drawings, and construction of the recreational facilities in the Brandywine Area Community Park.

†However, in 2013, it was determined that the Brandywine Area Community Park was the most suitable site for construction of the regional Southern Area Aquatic and Recreational Complex (SAARC). The land previously designated for construction of the two ball fields and the 65-space parking lot that was to be built by the developer of Villages of Timothy Branch is needed for the construction of SAARC, and is no longer available for the facilities that the applicant is conditioned to construct.

†The planning and development of the construction documents for this multi-generational regional community center are well underway. This 77,000-square-foot recreational complex, as envisioned in the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space is a multi-generational facility that will provide an array of programs to serve the recreation and leisure needs and interests of the entire family and not just one age group. SAARC will include an indoor aquatic space, a double gymnasium, a walking track, a fitness center, and a flexible programmable space. The pedestrian and vehicular access to the park will be provided from Cattail Way and Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the recreational complex will be under construction in 2015 and will be completed in 2017. The future residents of the Villages of Timothy Branch will be able to walk to this recreational complex through the master planned trail to be located along Cattail Way.

†DPR met with the developer of the Villages of Timothy Branch and discussed the challenges associated with the Brandywine Area Community Park site. DPR and the developer agreed that an appropriate alternative to the construction of the required recreational facilities would be a monetary contribution in lieu of construction. DPR, in cooperation with the developer, prepared a cost estimate for the required design and construction of the recreational facilities. Based on the cost estimate, DPR and the developer established a monetary value of the contribution-in-lieu of construction of the required facilities of \$700,000.

†By memo dated February 11, 2015, the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015, the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-

site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

Conditions of Prior Preliminary Plan Approvals

Preliminary Plan 4-92048 was approved in 1992, subject to conditions contained in PGCPB Resolution No. 92-187. The only portion of the subject property zoned R-M, platted under Preliminary Plan 4-92048, was Parcel G (NLP 180 @ 31). This portion of the subject property includes a 30-foot-wide landscape buffer adjacent to Short Cut Road, as well as 100-year floodplain, wetlands, wetland buffers, and non-disturbance buffers. The portion of Parcel G which was included in the R-M rezoning is proposed to remain undisturbed, except for a small area of afforestation proposed along the northern boundary with Parcel G. The preliminary plan has since expired.

The proposed comprehensive design zone will require subdivision of the subject property, excluding Parcel E. The current application fulfills this requirement.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

Review of the Natural Resources Inventory

A revised Natural Resources Inventory (NRI-002-07/01) for the overall Villages at Timothy Branch was approved August 13, 2010. The revised NRI reflects the enlarged stream buffer widths approved by the County Council on July 13, 2010, which became effective September 1, 2010. All associated plans have been revised to correctly reflect the larger stream buffers and the regulated environmental features as delineated on the NRI. No additional information is required with regard to the NRI.

Impacts to the Primary Management Area

Nontidal wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property in accordance with Section 24-101(b)(22) of the Subdivision Regulations. The preliminary plan and NRI correctly reflect the required stream buffers.

Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. The methods to determine fullest extent possible are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and where necessary, mitigation. The manual also describes what types of impacts are considered necessary and the types that should be avoided.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

A variation request for eight PMA impacts was received on August 2, 2010, and was discussed at the Subdivision and Development Review Committee (SDRC) meeting on August 5, 2010. The variation request has been accepted as a statement of justification, although it does not address how impacts have been avoided and/or minimized in the design of the subject application. The area of impacts increased in areas where the NRI was revised in accordance with Subtitle 24.

The individual impacts proposed are evaluated in the table below:

Impact No.	Type of Impact	Area of PMA Impacts	Wetland Impacts?	Evaluation of PMA impact
1	Construction of stormwater management pipes and outfall under Mattawoman Drive	33,761 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
2	Stormwater outfall and sewer line connection	7,997 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
3	Construction of Mattawoman Drive	9,252 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
4	Road construction of Road H	10,035 s.f.	No	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
5	Construction of berm adjacent to US 301/MD 5	15, 575 s.f.	No	Berm can be shifted farther onto the subject property to protect the PMA; avoidance criteria have not been met. Impact not approved.
6	Construction of master planned hiker-biker trail and sewer line connections	18,894 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
7	Construction of master planned hiker-biker trail and sewer line connections	11,695 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
8	Construction of a sewer connection	5,632 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
Total		112,841 or 2.59 acres		

All of the requested impacts are approved by the Planning Board, except for Impact 5 for construction of the noise berm along US 301 because the criteria for avoidance and minimization have not been met. In this case, shifting the berm to the east will avoid the proposed impacts.

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

If the preliminary plan and TCP1 are revised to eliminate Impact 5, the regulated environmental features on the subject property can be found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impacts approved are for the installation of sanitary sewer lines, construction of master-planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

Regulated Environmental Features

At the time of final plat, a conservation easement is required to be placed over the regulated environmental features to be preserved and over those areas that are being counted toward meeting the requirements of the Woodland and Wildlife Habitat Conservation Ordinance. The approval of the final plat will occur after the approval of the associated specific design plan so that the areas to be preserved and/or planted will be clearly delineated. Approval of the final plat should not occur until after approval of the associated specific design plan that shows all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted. This final plat should show a conservation easement with required notes and permit information per the recommended conditions.

Woodland and Wildlife Habitat Conservation Ordinance

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the entire site has a previously approved Type I tree conservation plan and portions of the site have an approved Type II tree conservation plan.

A Type I Tree Conservation Plan (TCPI/151/90) was approved for the overall site application when the pre-1993 woodland conservation threshold (WCT) standard of 10 percent of the net tract area for industrial zones was required with no replacement required for clearing.

The Maryland Forest Conservation Act (FCA) passed by the General Assembly in 1991 established minimum WCT requirements for local authorities that were greater than those previously established by county legislation. As a result, the WCT for industrially-zoned properties in the county was raised to 15 percent of the net tract area. The FCA also required "replacement" in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, county regulations were revised to include these provisions.

The Brandywine Commerce Center (TCPI/151/90) was grandfathered under the requirements of the pre-1993 ordinance and, as a result, the woodland conservation requirement for the overall property was 31.53 acres based on a net tract area of 315.31 acres. Type II Tree Conservation Plans TCPII/68/93, TCPII/84/93, and TCPII/42/97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCPI.

With the recent rezoning of the property, except for Parcel E which remained in the E-I-A Zone, the subject property was changed to the R-M and L-A-C Zones. Because the development pattern proposed is significantly different than the previous approval, this property is no longer grandfathered under the requirements, and will now need to meet the requirements of the current Woodland Conservation Ordinance. The L-A-C Zone has a 15 percent WCT. The R-M Zone has a 20 percent WCT.

Woodland conservation for Parcel E, to the extent required, has been accounted for on the revised plans submitted. The area of the previously approved TCPII (TCPII/042/97) was included in the original TCPI approval and the woodland conservation requirement was calculated and fulfilled in accordance with the pre-1993 ordinance. Notes on that TCPII state that:

"The tree preservation requirements for this project were fully accounted for as part of the approved Brandywine Commerce Center, Phase I & Phase II Type II TCPII/68/93. Any clearing of the previously established preservation areas will be reforested in accordance with these plans."

Additional notes on the TCPII indicate that the woodland conservation requirement for Parcel E was determined to be 2.55 acres, and that 0.58 acre were provided in on-site preservation and 0.24 acre were provided through on-site reforestation. Therefore, 1.73 acres of woodland conservation was required for Parcel E on the remainder of the Brandywine Commerce Center property. The revised TCP1 demonstrates the fulfillment of this requirement on the remainder of the property.

Woodland Conservation and Clearing

The TCP1 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.64 acres of wooded floodplain. The TCP1 encompasses the land area that is included in both CDP-0901 and CDP-0902 for The Villages of Timothy Branch.

The TCP1 proposes clearing 144.30 acres of upland woodlands and 1.06 acres of wooded floodplain. The WCT for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed with the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCPII/42/97) is 109.80 acres. The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site.

Because much of the site is located within a designated evaluation area of the Countywide Green Infrastructure Plan and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas to widen stream buffers and protect sensitive environmental features is also recommended. In addition, the strategies contained

in the General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it be fulfilled within the Mattawoman Creek watershed.

The WCT for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this exceeds the WCT for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible; however, the submitted TCP2 does not fulfill this standard. Revisions to the submitted TCP1 and the provision of notes on the final plat are required. The woodland conservation requirements should be fulfilled on-site or within the Mattawoman Creek watershed.

Technical Revisions to the TCP1

The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO), approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the WCO sets the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet wide and the minimum contiguous area is 10,000 square feet. The minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees.

It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plan must be revised to meet these minimum standards and all of the design criteria contained in Section 25-122. For example, Preservation Areas PA-1 and PA-2 are very small and impractical to preserve. It also appears that PA-2 is within a master-planned right-of-way and, as such, cannot be counted. Reforestation Area RA-2 contains several locations that do not meet the minimum width standards, resulting in several fragmented areas that will not meet the minimum size requirements. A complete analysis of the proposed preservation and afforestation areas must be conducted by a qualified professional prior to submission for signature approval to ensure that the plans meet the minimum standards of Subtitle 25.

Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a 10-foot-wide unobstructed area must be maintained around all sides and rears of each stick of townhouses, or duplexes in this case. This clear access zone should be unobstructed by woodland conservation areas, landscaping, or noise mitigation measures.

It appears that woodland conservation is being proposed within the proposed rights-of-way of public roads. Section 25-122(b)(1)(N) contains restrictions for the placement of woodland conservation within rights-of-way. The plans should be revised accordingly.

The specimen tree table must be revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees must be included in the specimen tree table. The table also lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at the time of TCP2 review, the trees must be survey located.

If any of the minimum standards of Subtitle 25 cannot be met and a variance request associated with the CDP was not approved for a certain design feature, then the TCP1 associated with this application must meet all of the minimum standards.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy. It appears that this property will be able to meet the requirement by using the existing woodlands that are proposed to be preserved (the woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement).

Soils

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. The Prince George's County Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

General Plan Noise Standards

Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Crain Highway (US 301) is an existing source of traffic-generated noise, and a master-planned freeway. Using the Environmental Planning Section (The Maryland-National Capital Park and Planning Commission (M-NCPPC)) noise model, the anticipated 65 dBA Ldn noise contour would lie 690 feet from the center line of US 301. Because the closest point of development in the L-A-C-zoned portion of the site is located over 1,500 feet from US 301, there is no need to mitigate transportation-related noise impacts within the L-A-C-zoned portion of the site for US 301.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. The Subdivision Regulations require that residential development adjacent to an arterial roadway provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts on proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates, in part, that:

"Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

Previous comments requested that the TCP1 and preliminary plan be revised to show the location of the unmitigated 65 dBA Ldn noise contours. The TCP1 and preliminary plan have been revised to show the unmitigated 75, 70, and 65 dBA Ldn noise contour at ground level for the portion of Mattawoman Drive north of Road N. The entire length of Mattawoman Drive north of A-55 is classified as an arterial (A-63), so the unmitigated noise contours must be delineated for the entire length of Mattawoman Drive on the subject property.

The TCP1 and preliminary plan have been revised to show the location of all unmitigated noise contours of 65 dBA Ldn or greater adjacent to roads classified as arterials or higher. The plans also show conceptually how noise mitigation will be provided.

Brandywine Road

Brandywine Road (MD 381) runs along the northern boundary of the subject property, and was designated in the Subregion VI Master Plan (1993) as a historic road. Because Brandywine Road

is a state road, it is not subject to the Design Guidelines and Standards for Scenic and Historic Roads adopted by DPW&T, and is subject to road improvements as determined by the Maryland State Highway Administration (SHA).

SHA has adopted a policy of implementing context sensitive solutions (CSS) for road construction, which applies to all of SHA's projects. Context sensitive solutions result from a collaborative, interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety and mobility. Prince George's County has a special interest in encouraging context sensitive solutions when state roads are also county-designated scenic and historic roads.

The previous master plan for Subregion V (1993) classified Brandywine Road as an industrial road west of Mattawoman Drive. East of Mattawoman Drive, passing over the Timothy Branch stream valley and towards adjacent residential zoning, Brandywine Road was proposed to remain a collector (C-613).

The recently approved Master Plan for Subregion 5 (2009) retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive to collector status. As previously noted, Record Plat NLP 181 @ 41 delineates a 30-foot-wide landscape buffer associated with the subject application in the following locations: the south side of Short Cut Road, the south side of Brandywine Road, and the west side of Mattawoman Drive. This 30-foot-wide landscape buffer was required in order to conform to the buffer requirements of the prior I-3 zoning.

The design and implementation of any road improvements to Brandywine Road required by this project must include context sensitive solutions and the review should be coordinated with SHA and the Transportation and Environmental Planning Sections of M-NCPPC. The preliminary plan shall be revised to address all CDP conditions regarding roadway buffering.

Stormwater Management

The Stormwater Management Concept Approval Letter and Plan (11355-2009-00), approved on May 26, 2009 by DPW&T, was submitted with this application which included sixteen conditions of approval and five traffic safety comments. No further information about the stormwater management concept approval letter or plan is necessary at this time. A site development stormwater management plan is required to be reviewed with the SDP for the site. This plan shall be submitted as part of the SDP submittal requirements and reviewed along with the SDP.

6. **Variation for Lot Depth**—The applicant requests a variation from Section 24-121(a)(4) of the Subdivision Regulations for the purpose of reducing the required residential lot depth adjacent to Mattawoman Drive, a designated arterial road, and US 301/ MD 5, a designated freeway.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

Section 24-121(a)(4) of the Subdivision Regulations establishes design guidelines for lots adjacent to existing or planned arterial roads and freeways. This section requires that lots adjacent to arterials be platted with a minimum depth of 150 feet. Lots adjacent to freeways shall be platted with a depth of 300 feet. This requirement provides ample space to create adequate protection from traffic nuisances including berms, plantings, and fencing, as well as the option of establishing a building restriction line where appropriate. The ordinance uses the word adjacent which is defined in Section 27-107.01 of the Zoning Ordinance as nearby, but not necessarily sharing a common point or property line ("abutting," "adjoining," or "contiguous").

This property is bounded on the west side by US 301/MD 5, a designated freeway. Parcel D, a proposed homeowners association (HOA) parcel, immediately abuts this road. The parcel ranges in depth from 90 feet to 110 feet. Fifteen single-family dwellings and twenty-four townhomes immediately abut the east side of the parcel. The single-family dwellings are approximately 120 feet deep. The townhome lots are approximately 90 feet deep. The effective depth of the adjacent lots, meaning the lot depth plus the intervening Parcel D, totals between 210 and 230 feet. The applicant requests a lot depth variation for these single-family and townhome lots from the required 300 feet. Staff supports these variation requests if studies, at the time of SDP, show that the mitigated impact of noise from US 301/MD 5 is less than 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interiors of the houses.

Proposed Mattawoman Drive, a designated arterial road, bisects the property. Approximately ten residential lots for multifamily and two-over-two dwellings are proposed along Mattawoman Drive. In most cases, these are shown to be 150 feet deep, but several of the property lines are unclear. A full 150-foot lot depth is required for these parcels to provide the setbacks that are required in the approved CDPs. The applicant should revise the plans to show a 150-foot lot depth for all multifamily parcels along Mattawoman Drive. The applicant has identified 33 other residential lots that are adjacent to Mattawoman Drive and require variations. For most of these, a portion of the property is within 150 feet of the road, but is most often screened by other dwellings that immediately front the road. The Planning Board approves these variation requests, with some flexibility in the absolute number of lots impacted by this variation to allow some revisions in the lotting pattern at the time of SDP, subject to conditions.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and

purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The Planning Board's approval of the two affiliated CDPs was extensive with regard to design considerations to address noise concerns. The preliminary plan and TCP1 should be revised to reflect the noise-related revisions to the CDPs required by conditions of approval, including required setbacks along Mattawoman Drive. This is further addressed in the Urban Design findings below.

The applicant proposes dwelling units adjacent to US 301 with noise mitigation provided by an earthen berm. The footprint of the proposed berm is 100 feet for most of its length and, as it goes around the Southern Maryland Oil property, it narrows to less than 50 feet. This may not be sufficient space to provide the height proposed. The berm is also proposed to be partially located within the ultimate right-of-way of US 301.

A minimum lot depth of 300 feet is required along a freeway or expressway. The plan proposes 27 townhouse units and 12 single-family dwelling units which do not meet the 300-foot lot depth from the ultimate right-of-way. A noise mitigation berm 25 feet in height has been proposed along US 301 to reduce the noise exposure from the freeway on the proposed residential dwellings.

The single-family dwellings proposed have a minimum lot depth of 240 feet and require variations ranging from zero to 60 feet to meet the standard. Based on design standards proposed in the CDP text, a 25-foot-wide front yard is proposed for the single-family dwellings in the R-M Zone (page 30) with a 25-foot-wide minimum rear yard. This would place the dwelling unit outside of the 75 dBA Ldn noise contour, and a substantial amount of the outdoor activity areas would also be outside of the 75 dBA Ldn noise contour.

The townhouses proposed have a minimum lot depth of 190 feet from the right-of-way and require variations ranging from 90 to 110 feet to meet the standard. Based on the design standards proposed in the CDP text, an 800-square-foot minimum yard area is required for townhouses in the R-M Zone (page 30). This would place the dwelling unit outside of the 75 dBA Ldn noise contour, with a substantial amount of the outdoor activity areas inside of the 75 dBA noise contour. The

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

noise mitigation proposed consists of a 25-foot-high berm located 100 feet or less from the rear of the structures. It is not clear that the applicant can provide adequate noise mitigation in this area.

At the time of SDP, the applicant shall provide evidence that the outdoor activity areas of the single-family and townhouse lots along US 301/MD 5 will be outside of the 65 dBA Ldn mitigated noise contour. The earthen berm proposed in this area should be analyzed in light of the future right-of-way for US 301/MD 5. If mitigation to these levels cannot be accomplished, the applicant shall move all lots outside of the 75 dBA Ldn unmitigated noise contour. The loss of lots may result if the lots cannot be appropriately relocated at the time of SDP.

The applicant proposes a variation to 33 lots adjacent to Mattawoman Drive (A-63). Most of the properties requiring variation are oriented along side streets, with a side wall facing the arterial roadway. Acceptable noise levels for outdoor activity areas are 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor areas. In these cases, additional interior and exterior noise mitigation measures, such as fences or walls, should be required at the time of SDP.

Future revisions at the time of SDP may result in a change to the number of lots that are impacted by noise along Mattawoman Drive. The Planning Board approves a variation to lot depth along the length of Mattawoman Drive subject to conditions that the acceptable noise levels identified above are maintained.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The conditions on which the variations are based are unique to the property. Noise from two master-planned roadways designated as arterial and higher impact the site. At the same time, master plans and the approved zoning call for significant residential density in this area. The site is further constrained from the east by the Timothy Branch stream valley. There are few places on the site that can accommodate residential development, protect the environment, and avoid some impact from roadway noise.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The master plan mentions, but does not preclude, development within areas impacted by noise. The master plan includes the following recommendations concerning noise intrusion that are particularly relevant to this development application:

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

Strategies: Evaluate development and redevelopment proposals in areas subject to significant noise intrusions using Phase I noise studies and noise models.

Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.

Further review of noise issues, particularly for the interior of buildings, will take place at the time of SDP. It should be noted that, while interior noise can be mitigated using sound absorption materials in construction, outside noise cannot be as easily mitigated. Hence, granting a variation to the lot depths along MD 5/US 301 should be carefully analyzed to ensure that the outside noise levels will not cause significant adverse impacts to future residents, particularly to children.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:

Without the approval of these variations, the subject property would not be developed in accordance with the vision and goals of the master plan and the approved basic plan. Development constraints on this site that are specific to the property, including the required construction of a master plan required arterial and the proximity to a freeway, create a particular hardship that requires relief provided by these variations.

7. Community Planning—The land use proposed by this application is consistent with the General Plan Development Pattern policies for the Developing Tier and a community center. This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. A portion of the application is within the boundaries of a designated community level center for Brandywine, per an amendment to the General Plan approved as part of the 2009 Approved Subregion 5 Master Plan. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

This application conforms to the recommendations of the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment for a mix of residential and commercial land uses in the Developing Tier and appears to conform to recommendations for a residential component of mixed land use in the Brandywine Community Center, albeit at the low end of the recommended density range. Until published, the approved master plan and SMA consists of the following documents: the February 2009 Preliminary Subregion 5 Master Plan and Sectional Map Amendment as revised or amended by an Errata Sheet dated March 31, 2009; the Planning Board Resolution of Adoption (PGCPB No. 09-109); and the District Council Resolution of Approval (CR-61-2009).

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

The location of the transit facility and the designation of the center core has driven the location of multifamily dwellings in this development, therefore, the applicant should show the center core and edge boundaries on the preliminary plan and indicate that the development densities proposed in the center edge and center core conform with plan polices for residential land use in this center.

The following planning issues were identified in the review of the preliminary plan of subdivision:

a. **Transit Right-of-Way**—The Maryland Transit Administration (MTA) has completed a multi-year project and released a final draft report for the Southern Maryland Transit Corridor Preservation Study (January 2010) which recommends the preservation of right-of-way for future transit from La Plata to the Branch Avenue Metro Station. The recommendations in the study reinforce the county's approved land use plan along the MD 5/US 301 corridor. At the location of the proposed Villages of Timothy Branch development, the preferred alternative for the transit right-of-way is along the east side of MD 5/US 301. This right-of-way should be noted on the preliminary plan and land needed to preserve the future right-of-way should be included in any development proposals for this area.

The MTA final draft report states:

Section 1.2, Purpose and Need of Corridor Preservation Study

"Acting now to preserve a transit right-of-way in the study area is the first step towards reaching the goal of a future transit system along the MD 5/US 301 corridor. Waiting to preserve a transit right-of-way could allow the inevitable continued growth in the region to occur in form of sprawl, risking the loss of available land, and the loss of continued right-of-way for transit. Additionally, preserving right-of-way will help enable the counties to coordinate land use with the transit system so they complement each other."

Section 5.1, Selection of Preferred Alternative

"The Preferred Alternative would provide service to all important trip generators including: Saint Charles Towne Center, Waldorf, Brandywine Crossing, Southern Maryland Hospital Center, Woodyard Crossing, Andrews AFB, and the Branch Avenue Metrorail station. Additionally, the Preferred Alternative would provide service to both Charles and Prince George's counties proposed developments within the corridor.

[†]Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

"The Preferred Alternative has been identified as an alignment Charles and Prince George's County should protect through their Master Plans. Preservation will enable the counties to plan for transit by implementing policies supportive of densely developed, walkable, mixed-use centers that would attract and create transit trips, thus improving the cost-effectiveness of providing service on the alignment. Nevertheless, future project planning and development processes, such as the FTA's New Starts program and NEPA, will require revisiting potential alignments and modes."

Section 5.2, Station Locations & Connectivity—Timothy Branch (TB)

"The TB Station is the southern most station in Prince George's County and expected to be mostly a walk-up station. However, to support potential drive access from the west side of MD 5/US 301, a 200 space surface parking lot is recommended. The station is located at Brandywine Crossing, a new commercial development. Additionally, the Subregion V Master Plan has identified a community center on the east side of MD 5/US 301within walking distance of the TB station. The community center would provide mixed-use buildings and interconnected walking and bicycle paths, which are optimal around transit stations."

The plan does not show the proposed transit alignment along US 301/MD 5 on the west side of this application although a symbol for a proposed transit station in the vicinity of the application's southern property line is included. As discussed in the Transportation finding, the applicant is providing a berm for mitigation along US 301/MD 5. The area proposed for this berm constitutes ample area for future configurations of this transit facility. As the development of the transit connection has not reached a design stage that will allow dedication or reservation of property, the actual alignment cannot be shown on the plan. However, the proposed transit alignment should be noted along US 301 on the preliminary plan of subdivision.

b. **Truck Traffic and Industrial Access**—The warehouse use in the abutting E-I-A Zone generates significant truck traffic. The sole access to this site is from Brandywine Road along Mattawoman Drive. Presently, large trucks cue up and sit idle or are parked along Mattawoman Drive. This is not appropriate in a residential area. In the alternative, ingress and egress to the site from Short Cut Road from the north could entirely eliminate this truck traffic through the Timothy Branch development. Approximately 500 feet of roadway would need to be constructed through the applicant's industrially-zoned property (Parcel G) to make this connection. To ensure the compatibility of future residential uses in Timothy Branch with this existing industrial use, the existing entrance off of Mattawoman Drive should be limited to passenger vehicles, and trucks should utilize a

[†]Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

new road from Short Cut Drive. The construction of this roadway should be timed so that new residential development will not be negatively impacted by truck traffic.

Providing an access connection between the existing warehouse/distribution facility and Short Cut Road was included as a condition of approval of CDP-0902. The preliminary plan should be revised to show this proposed connection. Plans for the connection should be finalized prior to SDP approval to provide an alternative access to this warehouse operation, especially for heavy truck traffic.

- c. Residential and Industrial Land Use Compatibility—The applicant proposes to construct 146 townhouse dwelling units in Pod G. Abutting Pod G to the west are three industrial parcels in the I-1 Zone. The Southern Maryland Transit Corridor Preservation Study (January 2010) identifies a possible maintenance yard for buses or trains on one of the I-1-zoned parcels. Although this is only one possible location for the maintenance yard, the property was retained in the I-1 Zone in the 2009 Sectional Map Amendment, therefore, industrial development is likely. Since the approval of CDP-0902, the applicant has provided an exhibit redesigning this area. The redesign replaces the townhomes along this edge with duplexes that have larger rear yards. This also increases the distance from the site boundary to the rear of the property lines from 80 feet to 100 feet. This is an improved design generally and allows further opportunity for screening landscaping at the time of SDP for increased buffering in this area.
- d. Noise impacts on residential lots located within the higher noise contours that are not recommended for residential uses. The noise impacts are addressed in the Variation section †[of this report].
- 8. **Parks and Recreation**—The Commission has reviewed the comprehensive design plans and Preliminary Plan 4-09003 for conformance with Basic Plan A-9997-C and A-9998-C conditions, the requirements and recommendations of the current approved Prince George's County General Plan, the Approved Master Plan and Sectional Map Amendment for Subregion 5, zoning regulations, subdivision regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The subject property consists of 262 acres in the Residential Medium Development (R-M) Zone and 72.26 acres in the Local Activity Center (L-A-C) Zone. The applicant's proposal indicates that 1,200 residential dwelling units will be provided as part of the planned development, including single-family and multifamily dwelling units. Using current occupancy statistics for single-family and multifamily dwellings, the proposed development would result in an increase of 3,328 additional residents in the Brandywine area community.

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

The addition of 3,328 new residents to the existing Brandywine community would significantly impact public recreational facilities in the existing community. The Prince George's County General Plan establishes objectives related to the provision of public parkland. The General Plan states that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 county residents and 20 acres of regional, countywide, and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), 50 acres of local and 66.5 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.

Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 30.5 acres of parkland suitable for active and passive recreation to serve the proposed development.

Prior approvals, including the basic plans and CDPs, provide requirements for improvements to the nearby undeveloped Brandywine Area Community Park. To meet the mandatory dedication of parkland under the Subdivision Regulations, the applicant proposes private on-site recreational facilities in lieu of mandatory dedication of parkland. These on-site private recreational facilities meet the Subdivision Regulations. The †payment of a fee-in-lieu of off-site public facilities adequately serve the residential needs of the development and meet the Zoning Ordinance requirements.

Off-site Public Facilities

To meet zoning requirements, the applicant proposes †the payment of a fee-in-lieu of off-site public recreational facilities. Condition 8 of approved Basic Plans A-9987-C and A-9988-C states:

- 8. At the time of Comprehensive Design Plan, the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Park and Recreational Facilities Guidelines and dedication of on-site a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Park and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

The subject property is located 0.75 mile south of the undeveloped, 62-acre Brandywine Area Community Park. †[A park concept plan has been developed which demonstrates that the park property can accommodate the following recreational facilities: soccer field, softball field, youth soccer field, school age playground, tot lot, four picnic shelters, two basketball courts, asphalt and nature trails, and a 130 space parking lot. Currently, there is no Capital Improvement Program (CIP) funding allocated for the development of this park.]

To address conditions of the basic plans and provide recreational opportunities for the residents of the proposed development, the applicant proposes the †payment of a fee-in-lieu for the construction of major off-site recreational facilities at nearby Brandywine Area Community Park †[including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue].

On-site Private Facilities

To meet subdivision requirements, the applicant proposes on-site private recreational facilities. In addition, the applicant proposes an extensive package of on-site private recreational facilities including: two recreational centers with swimming pools, tennis courts, two gazebos, a stream valley trail, tot lot, school-age playground, three multi-age playgrounds, and one open play area.

The development of these facilities was generally addressed in the conditions of CDP-0901 and CDP-0902. Those conditions state:

An overall recreational facilities agreement (RFA) should be required to address the development of these facilities. With specific RFAs, appropriate triggers for construction and timing for the bonding of these facilities can be established to ensure a concurrency of the provision of the facilities as the development progresses.

The combination of the proposed package of on-site private recreational facilities and †a fee-in-lieu of \$700,000 for off-site public recreational facilities will satisfy the recreational needs of the residents of the Villages of Timothy Branch planned community, and fulfill the requirements of mandatory dedication †and Condition 8(b) of A-9987.

9. **Trails**—The proposal was reviewed for conformance to the provision for trails, sidewalks, and pedestrian circulation in the *Approved Countywide Master Plan of Transportation* (MPOT) and the *Subregion 5 Master Plan and Sectional Map Amendment* (area master plan).

The development proposal is in the "community center" described on pages 49 and 50 in the area master plan. A variety of road cross sections exist along Brandywine Road and sidewalks are missing along many segments. Sidewalk and pathway construction is needed within the Brandywine and Aquasco communities, and Brandywine Road is a heavily-used corridor for long distance cyclists. All development plans in these areas should include dedication for on-road bicycle accommodations, sidewalks, sidepaths, trails, and off-road bicycle accommodations where specified by the master plans or where proposals require these facilities to meet other master plan goals.

Both the area master plan and the MPOT recommend that pedestrian and bicycle facilities be constructed as part of new development in the Brandywine area where the subject property is located. The area master plan recommends that future development in Brandywine be connected

by pedestrian and bicycle networks to areas north of the subject site, where Brandywine Road provides a parallel route to MD 5 for pedestrians and bicyclists. The plan recommends that Brandywine Road contain a dual-route bikeway between MD 223 and the Charles County line. A dual-route bikeway contains both an on-road bikeway and a sidepath for multi-use purposes, including bikes, pedestrian, and other trail users. The area master plan recommends that sidewalks be constructed throughout Brandywine, and that a stream valley trail be constructed within the Timothy Branch stream valley to provide a section of trail network between Dyson Road and Mattawoman Creek. Brandywine Road is depicted on the MPOT map set as a proposed bikeway/sidepath.

Additionally, the area master plan recommends that developers provide bicycle parking, lockers (if they are major employers), bicycle-friendly intersection improvements, and trail connections as part of development proposals (page 122). The plan recommends bicycle signage and safety improvements along designated bikeways.

The MPOT recommends that Developing Tier centers and corridors should integrate the transportation system with a mix of land uses that support all modes of travel, including future use of moderate bus transit service, as well as bicycle and pedestrian modes of travel for shopping, recreation, and commuting trips. Corridor and right-of-way preservation for future transportation (particularly transit) facilities and systems are major challenges in the Developing Tier, particularly on roads that serve Developing Tier centers (page 20).

The District Council approved Basic Plans A-9987-C and A-9988-C with conditions in July 2008. Those conditions address the provision of trails and sidewalks within this development site.

Based a meeting with the applicant on October 14, 2010 and a staff level meeting on October 18, 2010, a number of modifications were made to the recommended conditions of approval.

Mattawoman Drive/Matapeake Business Drive

Condition 5 of A-9987-C and A-9988-C states:

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive (A-63) is a proposed bikeway/sidepath as depicted on the map set in the MPOT. It is a master-planned arterial road and should contain sidewalks, and a sidepath or on-road bikeway. The zoning cases require that the applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T. As stated in the Transportation finding, no further dedication of Mattawoman Drive is required.

It is recommended that the applicant provide a sidepath along the east side of Mattawoman Drive and a sidewalk on the west side of the road to fulfill the MPOT recommendation. The specific details of the sidewalks and pedestrian refuges will be reviewed at the time of specific design plan.

Matapeake Business Drive (A-63) is proposed to begin south of the intersection of A-63 and A-55. This has been moved off site in recent revisions to the plan. All recommendations for Matapeake Business Drive are contained in those for Mattawoman Drive.

Nearby Roadways

Condition 4 of A-9987-C and A-9988-C states:

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

The area master plan moved A-55 off of the subject site to the south. This condition is no longer applicable to this development.

Short Cut Road runs along the northwest frontage of the site. This road will eventually contain pedestrian and bikeway facilities within the Brandywine Community Center where the road will serve new uses. No new uses are proposed along this road, and the road may be affected by a planned highway interchange at the intersection of Crain Highway (US 301) and Branch Avenue (MD 5).

Brandywine Road runs along the north frontage of the site. As addressed in the Environmental finding above, this road is a designated historic road. The applicant should provide an eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA. As identified in the Transportation finding, the applicant is proposing dedication along Brandywine Road of 40 feet from centerline. This has been deemed adequate. Striping of the bike lane is entirely in SHA's control and the dedication that they require can accommodate either bike lanes or wide outside curb lanes, at the discretion of SHA.

Timothy Branch Trail

The area master plan and the MPOT recommend a trail along the Timothy Branch stream valley between Dyson Road and Mattawoman Creek. A significant section of this planned trail is part of this application. This trail should be linked to the subdivision and be aligned along the stream valley.

Condition 3 of A-9987-C and A-9988-C states:

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Condition 3 of CDP-0901 states:

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Condition 35 of CDP-0902 states:

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This trail location has been evaluated from a number of perspectives. As proposed by the applicant on the preliminary plan, the trail conforms to the conditions of Basic Plans A-9987-C and A-9988-C, and it appears to be adequate for the proposed use and will implement the master-planned trails in this area. The applicant is providing this trail along the appropriate portions of the Timothy Branch stream valley.

The Planning Board has determined that trail locations are sometimes so close to single-family private residential lots that special notification is needed to inform future homebuyers of the trails' location. The present case does contain some trail locations and alignments that bring the trail close to residential lots.

The applicant shall provide the eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will also utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots. As this trail will be a private HOA trail, no equestrian component is recommended.

The HOA can elect to provide any signage that residents request in the future. Residents of the community will be familiar with the area, the nearby destinations, and probably will not require major wayfinding. This trail will not be used by those who do not already live in the community

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

and we probably do not want to place signage that might encourage the public to use the private HOA trail.

Interior Circulation

The MPOT recommends using complete street principles in designated centers and corridors, and it encourages the use of medians as pedestrian refuge islands. It also recommends increasing crossing opportunities for pedestrians. There are many pedestrian and bicycle improvements recommended for the subject property. It may be feasible to include a raised median or small refuge islands at some pedestrian crossing locations, making it easier and safer for pedestrians to cross the road. At the time of specific design plan, the proposal should contain safety measures such as pedestrian refuges along major road intersections where road crossings are provided for pedestrians and bicyclists.

Policy 2 of the Trails, Bikeways, and Pedestrian Mobility section of the MPOT recommends providing "adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers." There are four recreational facilities and two recreation centers shown on the subject plan. Trails provided within the development should be linked to the recreational facilities and centers. It is recommended that the applicant provide sidepaths or on-road bikeways for bicyclists, and sidepaths or sidewalks for pedestrians, on or along the roadways that lead to the recreational facilities and centers.

The American Association of State Highway and Transportation Officials (AASHTO) guidelines recommend that barriers be provided to protect trails from automobile use and to reduce conflicts between automobiles and path users. It is recommended that trail access points be designed to ensure that off-road motorized vehicles do not use trails except for maintenance and emergency purposes or wheelchair access. At the time of specific design plan, the applicant must provide details of these measures. Bollards and/or other appropriate structures should be used to prevent motorized vehicles from entering trail routes at any crossing of a public road right-of-way or at any trail staging area.

Conditions 6 and 7b of A-9987-C and A-9988-C state:

- 6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of preliminary plan and specific design plan. Trail connectors may be warranted to the proposed recreation center and park/school site.
- 7b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.

The applicant is proposing sidewalks and bikeways along the internal roads to support the residential and mixed-use development that is proposed. The sidewalk details will be evaluated at the time of specific design plan. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.

The applicant has proposed a comprehensive site-wide pedestrian circulation plan. Bus transit stop locations have been provided along Mattawoman Drive and appear to be adequate for the proposed use. Transit locations are shown on the approved CDP. Additional facilities and amenities at these stops can be evaluated at the time of SDP.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Prince George's County Code, with conditions.

10. **Transportation**—The overall site is located south of MD 381 and east of US 301/MD 5 on both sides of existing and planned Mattawoman Drive. The applicant proposes to develop the overall property as a mixed-use development with approximately 1,200 residences and 305,000 square feet of commercial space.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a mixed-use development consisting of the following uses (with the commercial uses as described in the traffic study and with the residential uses in accordance with the current submitted preliminary plan) having the following trip generation:

4 00002 Villages of Timesther Dressel	Use	Use	AM	Peak I	Iour	PM Peak Hour		
4-09003, Villages at Timothy Branch	Quantity	Type	In	Out	Tot	In	Out	Tot
Residential								
One-Family Detached	101	units	14	61	75	60	31	91
One-Family Semidetached	100	units	14	56	70	52	28	80
Townhouse	379	units	53	212	265	197	106	303
Two-Family Attached	352	units	49	197	246	183	98	281
Multifamily	268	units	27	112	139	105	56	161
Total Residential	1200	units	157	638	795	597	319	916
Commercial								
Retail (total trips)	100,000	Sq feet	95	61	156	600	600	1200
Less 60 percent pass-by and internal			-56	-36	-92	-360	-360	-720
Retail (net trips)			39	25	64	240	240	480
General Office	205,000	Sq feet	369	41	410	72	307	379
Total Commercial	305,000	Sq feet	408	66	474	312	547	859
Total			465	704	1269	909	866	1775

The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the following seven critical intersections, interchanges, and links in the transportation system:

- US 301 and Mattawoman Drive (future/signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)
- MD 381 and Mattawoman Drive (signalized)
- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)

The application is supported by a traffic study dated July 2009 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section (M-NCPPC), consistent with the guidelines.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)		
US 301 and Mattawoman Drive	Future	Future			
MD 5 and Brandywine Road	1,769	1,810	F	F	
US 301 and MD 381	1,160	1,078	С	В	
MD 381 and Mattawoman Drive	493	412	Ā	A	
US 301/MD 5 and Chadds Ford Drive	1,185	1,431	C	D	
US 301/MD 5 and Matapeake Business Drive	1,114	1,416	В	D	
US 301/MD 5 and Cedarville/McKendree Road	1,289	1,866	С	F	

With one exception, none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

BACKGROUND TRAFFIC CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)		Level of (LOS, Al	Service M & PM)	
US 301 and Mattawoman Drive	1,193	1,743	С	F	
MD 5 and Brandywine Road	1,804	1,815	F	F	
US 301 and MD 381	2,002	1,601	F	F	
MD 381 and Mattawoman Drive	621	602	A	A	
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F	
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	Е	F	
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F	

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)		'		
US 301 and Mattawoman Drive	1,271	1,851	С	F	
MD 5 and Brandywine Road	2,105	1,815	F	F	
US 301 and MD 381	2,528	2,340	F	F	
MD 381 and Mattawoman Drive	1,284	1,361	С	D	
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F	
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	Е	F	
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F	

It is found that all but one of the critical intersections operates unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- A third northbound through lane is proposed along US 301 through the MD 381 and the
 Mattawoman Drive intersections. Left turns are proposed to be eliminated at the
 US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through
 the Brandywine Business Park property (which is to be completed by other private parties
 in the future).
- A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.
- As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.
- The subject site is required to contribute to the Brandywine Road Club. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program which suggests that needed improvements are funded for construction.
 - b. County Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for Subregion V. As a part of that resolution, Zoning Map Amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the council resolution.
 - c. The site included under the current plan was subdivided under application 4-92048, which itself was a consolidation of four previous preliminary plans, conditional upon contribution to the Brandywine Road Club. The road club has

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language

always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

- The Brandywine Road Club fees have been established through procedures contained in past approvals, and are summarized below:
 - a. For the commercial space, a rate of \$1.41 per square foot of gross floor area has been used for sites that have A-63 construction requirements.
 - b. The major improvements that are ratable for the residential uses include widening the link of US 301/MD 5 north of Cedarville Road and the associated interchanges and widening of the junctions of A-63 with US 301 and MD 5. Current and potential members of the Road Club located in the Brandywine Employment Area are paying \$1.10 per square foot of gross floor area to cover their share of the cost of building these improvements. On the average, this payment is \$1,582.73 per peak-hour trip generated. Based on the peak-hour trip generation rates associated with single-family detached units, single-family attached units, and multifamily units, a road club payment of \$1,306 per single-family detached unit, \$1,187 per single-family attached unit, and \$886 per multifamily unit (1993 dollars) is a fair and equitable pro-rata payment for the subject property toward these off-site improvements.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the road club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area, as proffered and described above, are constructed and there is participation in the Brandywine Road Club.

• It is recognized that the off-site road improvements being proffered by this applicant are on the overall list of improvements to be funded through the Brandywine Road Club. As such, the costs of the off-site improvements are eligible for a credit against the road club fees to be paid. The extent of the eligibility of costs and the determination of any credits shall be made by DPW&T.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS					
Intersection	Critical Lane Volume (AM & PM)				
US 301 and Mattawoman Drive	916	1,221	A	С	
MD 5 and Brandywine Road	2,105	1,815	F	F	
US 301 and MD 381	1,741	1,725	F	F	
MD 381 and Mattawoman Drive	1,031	1,246	В	C	
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	Е	F	
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	Е	F	
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F	

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and they raise four issues that require discussion:

- DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial.
- DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are proposed for construction, staff did not analyze this intersection.
- SHA and DWP&T both objected to the elimination of left turn movements at the US 301/MD 381 intersection. That is obviously something that will need to be studied carefully at the time that Mattawoman Drive is connected on both sides of US 301 by Brandywine Business Park.

Plan Analysis

At the time of the Subdivision and Development Review Committee (SDRC) meeting, several comments recommending revisions to the submitted plan were offered. The plan has gone through a number of revisions.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

With regard to the L-A-C-zoned portion of the site, the site is affected by A-63, a master plan arterial facility traversing the site from north to south, and C-613, a planned collector facility along existing MD 381. The preliminary plan of subdivision shows dedication for 120 feet of right-of-way for A-63. It also shows dedication for right-of-way of 40 feet from the centerline along MD 381. Both are acceptable.

Within the L-A-C-zoned portion of the site, variations for driveway access to A-63 have been reviewed. Two variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the commercial development on the west side of A-63 have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from MD 381. There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, the two variations from Section 24-124(a)(3) within the L-A-C-zoned area are approved.

With regard to the R-M-zoned portion of the site, the site is affected by several facilities.

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. The current plan includes ramps to and from the north and south to support the future interchange at A-55. An extensive area in the southwest portion of the site is proposed to remain without development, and this is sufficient. There shall be no street or driveway access from the site to US 301/MD 5.
- The A-63 facility traverses the site from north to south. Over the time of reviewing this plan, there has been some confusion about the alignment of A-63 and where it terminates at the southern end. The A-63 arterial facility actually terminates at A-55, which has been determined to be located just south of the subject site. Comprehensive Design Plan CDP-0902 indicates a portion of A-63 south of the more southerly traffic circle to be "Matapeake Business Drive Extension" with a 100-foot right-of-way. This is incorrect. This portion of roadway between the traffic circle and the southern property line is A-63, and should indicate dedication for a 120-foot right-of-way.
- South of the more southerly traffic circle, the A-63 facility is to be extended to connect to Matapeake Business Drive within the Brandywine Crossing property to the south. It is recognized that A-63 will need to transition to a smaller section to connect to Matapeake Business Drive, which is currently a commercial street constructed within a 70-foot right-of-way. It may be reasonable to limit current construction south of the traffic circle to a half-section of the ultimate roadway at this time. The remaining half-section would be constructed when the A-55 facility is constructed or when additional right-of-way is

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

[Brackets] and strikethrough indicate deleted language

dedicated along Matapeake Business Drive in the future when the Brandywine Crossing property resubdivides. Nonetheless, the timing of this construction shall be reasonably determined by DPW&T.

- The master plan includes I-503, a planned facility that was originally included in the 1993 Subregion V Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road, and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD5/US 301 when it is upgraded to an access-controlled freeway, the named properties may lose the ability to access US 301/MD 5 in the future. Planned facility I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different, and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503, as initially envisioned and aligned, is no longer necessary. However, some means to allow the named properties that front on MD 5/US 301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the state or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the plan should be revised prior to signature approval to remove the depiction of the "Alternative Alignment of I-503" and to show a separate parcel to accommodate the future industrial connection.
- The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from the edge of roadway, as noted in the August 2010 report for the Southern Maryland Transit Corridor Preservation Study (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 along the western edge of this site. While it is noted that this facility is not explicitly noted on the preliminary plan, the plan includes berming 100 feet in width along the site's frontage of US 301/MD 5; this berming is set back between 15 and 50 feet from the existing right-of-way. Furthermore, there is an average of 30 feet between the edge of pavement and the property line. Once again, the transit facility is proposed to be 70 feet in width. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area between the edge of pavement and the property line combined with the area of berming along the US 301/MD 5 frontage constitutes adequate provision for this future transit facility. In the event that a transit

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

facility is implemented in the future, plans for the facility may need to incorporate the use of a retaining wall to maintain the berm. Comprehensive Design Plan CDP-0902 indicated a 70-foot width for this alignment, and has included a condition requiring that the CDP show the proposed transit alignment and include the following label: "Possible Future Transit Alignment (subject to further future environmental review)." A closer examination indicates that the alignment area within the subject property needs only 40 feet in width.

• The transit line described above includes the identification of the combined M&M Joint Venture/Meinhardt properties as a possible location for a maintenance yard, in the study.

Within the R-M-zoned portion of the site, individual residential lots are proposed to receive driveway access from alleys or minor streets, and are not proposed to gain individual access to A-63 directly. This is desirable.

Two variations for driveway access to A-63 have been reviewed. The variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the multifamily development on the west side of A-63 within Block E have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto A-63 eliminate the need to array the multifamily buildings around a large cul-de-sac. The additional accesses improve the delivery of public and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

The R-M-zoned portion of the property surrounds a piece of developed land in the E-I-A Zone. This developed site is not part of the subject application, but it receives its access via Mattawoman Drive. Given that the land around this site is proposed for development as mixed use and residential, it is desirable that the E-I-A-zoned property be provided with the opportunity to gain access to Short Cut Road. It is recommended that the plan make provision for an access across Parcel G, as discussed above.

Review of Basic Plan Conditions

The basic plans for the site (A-9987-C and A-9988-C) were approved by the District Council. The status of the transportation-related basic plan conditions for applications A-9987-C and A-9988-C are as follows:

Condition 1: This condition indicates that the transportation staff shall make master plan transportation recommendations consistent with the applicable master plan. This has been done.

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Condition 2: This condition specifies the intersections to be studied at later stages of review. All intersections were included except the US 301/MD 5/proposed A-55 and the Mattawoman Drive/proposed A-55 intersections. The two excluded intersections were not included because, based on the final recommendations of the master plan, they were south of the subject site. Specifically, this applicant would not be constructing any part of A-55. As a result, there were no intersections at these locations to study.

None of the remaining conditions are specific to transportation; however, Conditions 3, 4, 5, and 6 will be monitored by the trails coordinator of the Transportation Planning Section at future stages of review. With regard to Condition 7(b), the required information was provided on both of the CDPs.

Review of CDP Conditions

Comprehensive Design Plans CDP-0901 and CDP-0902 were approved on October 7, 2010 and their resolutions are currently pending before the Planning Board. To the extent possible, all findings and conditions have been modified to be consistent with the Planning Board's decision in those cases, along with any changes or modifications.

Based on the preceding findings and proposed conditions, the Planning Board finds that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

11. **Variations for Access to Arterial Roadways**—The applicant requests a variation from Section 24-121(a)(3) of the Subdivision Regulations for the purpose of accessing Mattawoman Drive, a designated arterial road, at four locations.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway. The applicant proposes to construct a network of public and private roads to provide access to residential and commercial properties throughout the development. At four locations, the applicant proposes to directly access Mattawoman Drive. Two accesses will serve the commercial retail and office uses on the west side of Mattawoman Drive at the north end of the site. These are the only two accesses proposed for this module. Two accesses will serve the multifamily dwellings on the west side of Mattawoman drive at the south end of the site. Access to these residential parcels will also be provided off of Road N at its intersection with Road P. Staff supports these variations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Within the L-A-C Zone, variations from Section 24-121(a)(3) to serve the commercial development on the west side of Mattawoman Drive have been requested. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from Brandywine Road (MD 381). There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

Within the R-M Zone, variations from Section 24-121(a)(3) for driveway access to Mattawoman Drive are requested. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto Mattawoman Drive eliminate the need to array the multifamily buildings around a large culde-sac. The additional accesses improve the delivery of public services and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

For the commercial retail and office parcels, no access is proposed other than Mattawoman Drive. Access along Brandywine Road is not proposed and is undesirable. In the approved Comprehensive Design Plan, CDP-0901, extensive effort has gone into protecting the rural character of Brandywine Road. The commercial area is immediately bounded on the south by

†Denotes 2015 Amendment

<u>Underlining</u> indicates new language

^{*}Denotes 2012 Amendment

Parcel E, which is not part of this application. Other than Mattawoman Drive and Brandywine Road, the site has no access to another public street.

For the multifamily parcels in the south, the site is on the corner of Road N and Mattawoman Drive. Access is proposed to both. Limiting access will force all traffic onto Road N, which also serves as a main connection to Mattawoman Drive for other residential areas. Additional accesses provide improved circulation and access to the site.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The accesses will be constructed in accordance with relevant laws and standards. The applicant will be required to obtain a SDP prior to development of these sites, permitting further review.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Without approval of these variations, particular hardship to the owner will result. Construction of Mattawoman Drive as an arterial is required by the Master Plan of Transportation and the Subregion 5 Master Plan. For the commercial site to the north, driveways to Mattawoman Drive are the only accesses to the property. For the multifamily site to the south, access to Mattawoman Drive provides significant relief to the intersection of Road N and Mattawoman Drive.

12. **Schools**—The impact on school facilities was analyzed separately for residential and nonresidential portions of the development.

Residential

The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Single-Family Detached Dwelling Units—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	118 DU	118 DU	118 DU
Pupil Yield Factor	0.16	.13	.14
Subdivision Enrollment	18.9	15.3	16.5
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,885.9	3,939.3	7,097.5
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.3%	79.0%	91.0%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Attached Dwelling Units—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	796 DU	796 DU	796 DU
Pupil Yield Factor	0.14	0.11	0.10
Subdivision Enrollment	111.4	87.6	79.6
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,978.4	4,010.6	7,160.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	105.8%	80.5%	91.9%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Multifamily Dwelling Units (Garden Style)—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	284 DU	284 DU	284 DU
Pupil Yield Factor	.14	.06	. 09
Subdivision Enrollment	39.8	17.0	25.6
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,906.8	3,940.0	7,106.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.9%	79.0%	91.2%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,299 and \$14,227 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The subdivision is exempt from a review for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) because it is a nonresidential use.

13. **Fire and Rescue**—The impact on fire and rescue facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d), and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations. Special Projects staff has determined that this preliminary plan is within the seven minute required response time for the first due fire station using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

The above findings are in conformance with the 2008 Approved Public Safety Facilities Master Plan and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

Nonresidential

The subdivision plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
40	Brandywine	Engine	14201 Brandywine Rd.	2.68	3.25	Within
20	Upper Marlboro	Ladder Truck	14815 Pratt Street	10	4.25	Beyond
40	Brandywine	Paramedic	14201 Brandywine Rd.	2.68	7.25	Within
40	Brandywine	Ambulance	14201 Brandywine Rd.	2.68	4.25	Within

The above findings are in conformance with the 2008 Approved Public Safety Facilities Master Plan and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Capital Improvement Program (CIP)

The Prince George's County FY 2010–2015 Approved Capital Improvement Program budgets funding for the replacement of Company 40, Brandywine Fire/EMS Station, at 14201 Brandywine Road. This fire station site is 1.4 minutes from the subject development.

14. **Police Facilities**—The impact on police facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

*Pursuant to the memo from Major Christopher Cottillo, Prince George's County Police

Department dated March 5, 2012; the police response times for the District V have been corrected for the applicable reporting cycle.

*The subject property is located in Police District V, Clinton. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 12, 2010.

*Reporting Cycle	*Previous 12 Month Cycle	*Emergency Calls	*Nonemergency Calls
*Acceptance Date 5/12/2010	<u>5/2009-4/2010</u>	7.5 minutes	23.4 minutes
*Cycle 1			
*Cycle 2			
*Cycle 3			

*The response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on May 19, 2010. Therefore, the Public Safety Mitigation Fee Commitment form, signed under protest by the applicant on October 28, 2012, is hereby null and void and shall no longer have any force and effect or be required under this approval. Condition 41, which required the agreement, is hereby deleted in its entirety.

*[The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May, 12, 2010.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Reporting Cycle	Previous 12 Month Cycle	Emergency Calls	Nonemergency Calls
	Month/Yr Month/Yr	# minutes	# minutes
Cycle 1	5/2009 4/2010	12	10
Cycle 2	6/2009-5/2010	12	10
Cycle 3	7/2009-6/2010	11	9

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met on May 19, 2010 during the review of Cycle 1, on June 18, 2010 during the review of Cycle 2, or on July 23, 2010 during the review of Cycle 3.

The rolling twelve-month average for response times in District V were provided for three monthly cycles following the acceptance of the subject application. If the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls are not met by the third monthly cycle of response time reports and the actual response times for both emergency and/or nonemergency calls do not exceed 20 percent above the required response times, the applicant may offer to mitigate. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve the preliminary plan until a mitigation plan is submitted and accepted by the county. If the response times for emergency calls and /or nonemergency calls are greater than 20 percent above the required emergency response time, the applicant may not mitigate.]

*[In accordance with CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in kind services or pooling resources.

Public Safety Mitigation Fee

Beginning in Fiscal Year 2007, the mitigation fee is adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005. The public safety surcharge may not be reduced by the payment of any public safety mitigation fee. The fee is required to be paid at the time of the issuance of a grading permit for the development. In 2006, the mitigation fee was \$3,780 per unit if the test failed in any of the police districts.

In-Kind Services

An applicant may mitigate by offering to provide equipment and or facilities that equal or exceed the cost of the public safety mitigation fee or offer a combination of in-kind services and supplemental payment of the public safety mitigation fee. Acceptance of in-kind services are at the

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

Pooling Resources

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the public safety mitigation fee. Acceptance of pooled resources to provide in kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.]

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is within the service area of Police District V in Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

*[As required by CR-78-2005 and the Adequate Public Safety Facilities Mitigation Guidelines, the applicant has provided a signed commitment to pay the Public Safety Mitigation Fee. The commitment reflects a per unit fee of \$3,780 with annual adjustments per the Consumer Price Index. The current (FY2011) fee is \$4,235. This commitment constitutes the Mitigation Plan as required by Section 24-122.01 (e)(2) of the Subdivision Ordinance. The applicant has also indicated a desire to have the option to enter into an agreement with the county government for the purpose of providing in kind services or a combination of in kind services and a fee to offset the impact of public safety by this development. Any substitute mitigation agreement will have to be in accordance with the provisions of CR-78-2005. This condition is subject to the applicant proceeding under Preliminary Plan 4-09003.]

- 15. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for The Villages at Timothy Branch and has no comments to offer.
- 16. Water and Sewer Facilities—The 2008 Water and Sewer Plan designates Parcels A, B, C, D, F, and G in water and sewer Category 3, inside the sewer envelope and within the Developing Tier. Parcels 4, 13, 19, and 25 are designated "dormant" water and sewer Category 3, inside the sewer

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

envelope and within the Developing Tier. Therefore, the site will be served by public water and sewer.

Water and sewer lines in Mattawoman Drive abut the property. Additional sewer lines traverse the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

Plan Note 8 should be revised to reflect the "Dormant Water and Sewer Category 3" status of the designated parcels on the preliminary plan.

17. **Archeology**—A Phase I archeological survey was completed on the subject property prior to submission of this preliminary plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500–1,000 BC); a mid-19th century Domestic Site, 18PR993; a colonial period Domestic Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

The Commission concurred with the recommendation of the draft Phase I report that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. Phase II investigations were recommended on sites 18PR454, 18PR992, 18PR993, and 18PR994. On all of these sites, close-interval shovel tests were recommended to identify the possible locations of subsurface features and were used to guide the placement of test units. A Phase II work plan for sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to the Historic Preservation Section (M-NCPPC) for review and approval on November 30, 2009.

Phase II investigations were conducted on sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 11 transects. Artifacts were concentrated in transects F through L on a piece of high ground. Nine test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a late Middle Archaic (6,000–4,000 BC) or early Late Archaic (4,000–2,000 BC) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on site 18PR992.

Phase II investigations of site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR993.

Phase II investigations of site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain sherd and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR994.

Phase II investigations of site 18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five 3-x-3 foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with debris from the dismantling of the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late 18th to the first half of the 19th century.

In a review letter dated March 27, 2010, staff concurred with the report's conclusions and recommendations that sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places, and do not meet the criteria for designation as county historic sites. Staff also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant has not yet submitted four copies of the final report.

If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant should provide proof to the Historic Preservation Section (M-NCPPC) that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of this preliminary plan.

18. **Urban Design: L-A-C Zone**—This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The property included in this application is split between the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. At this time, Comprehensive Design Plans, CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property, were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the L-A-C-zoned portion of the property, its previous Basic Plan approval (A-9988-C), and the subsequent Comprehensive Design Plan approval (CDP-0901).

Conformance with Zoning Map Amendment A-9988-C

On June 16, 2008, the property was conditionally rezoned to the R-M and the L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The conditions and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

Approved Land Use Program A-9988-C (L-A-C)

Land Use Types and Quantities:

Total area: 72± acres

Land in the 100-year floodplain: 8 acres

Adjusted Gross Area: 64 acres

Density permitted under the L-A-C Zone: 10-15 du/ac

Permitted dwelling unit range: 640–960 du

Floor area ratio: 0.2-0.4 FAR

Proposed Commercial/Employment: 220,000–270,000 sq. ft.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Proposed Land Use Types:

One-family attached, townhouse, and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Basic Plan Conditions

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

The Planning Board addressed the condition above through Conditions 41 through 43 in the Planning Board's Resolution for CDP-0901, which was found to be consistent with the Subregion V Master plan.

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)

This condition is addressed in the Transportation section of this report.

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

In the review of the CDP, this issue was discussed at length. The Department of Parks and Recreation (DPR) testified at the Planning Board hearing that the agency was not interested in

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

acquiring the property associated with the Timothy Branch stream valley and was not interested in being party to a public use easement for the master plan trail within homeowners association (HOA) land. DPR also testified that the master plan trail along the Timothy Branch stream valley would terminate at Brandywine Road, because an at-grade pedestrian roadway crossing would create a hazardous situation at that location. Further, they stated that the master plan trail located along Mattawoman Drive will adequately serve future residents and bicyclists traveling between the subject site and properties to the north and south of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in Condition 35 of the Planning Board's approval of the CDP.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive is a master-planned arterial road. The applicant should provide a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards. Condition 30 of CDP-0901 addresses the design of sidewalks along Mattawoman Drive in fulfillment of the condition above.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions 27 through 36 of CDP-0901 address specific requirements for the sidewalk and trail network discussed in this condition, but further analysis may be appropriate at the time of the review of the SDP.

- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

Condition 13 of CDP-0901 addresses the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further evaluated at the time of SDP.

d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

Comprehensive Design Plan CDP-0901 proposes 131 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. Condition 7.b.(8) of CDP-0901 addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with this development and the R-M-zoned portion of the property to the south. It should also be noted that the applicant is obligated to †pay a fee-in-lieu of \$700,000 for [construct] major off-site recreational facilities at nearby Brandywine Area Community Park †[including: one softball field, one soccer field, a 65 space parking lot, and access from Missouri Avenue]. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and †a fee-in-lieu of off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community.

- 8. At the time of Comprehensive Design Plan the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes the †payment of a fee-in-lieu [construction] of major off-site recreational facilities at the nearby Brandywine Area Community Park †[including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue.] and private on-site facilities.

11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.

The Planning Board reviewed the inventory analysis in conjunction with CDP-0901 and found that conditions were necessary to assure that both the setback and the treatment of the edge of the development along Brandywine Road would blend the subject development with the future development across Brandywine Road, associated with the Stevens Crossing development, specifically, the development of Lot 22 as was approved in Detailed Site Plan DSP-09011.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park,

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of the CDP review, the applicant provided copies of communications sent to the adjacent projects listed, along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreation amenities so that the twenty acre public parkland can serve as a Community Park.

The applicant has reached an agreement with DPR for providing †a fee-in-lieu of off-site recreational facilities as per the basic plan condition.

Conformance with Comprehensive Design Plan CDP-0901

The Planning Board approved Comprehensive Design Plan CDP-0901 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. Since the Planning Board has not adopted the resolution of approval yet, the actual wording of the conditions may be slightly different from the resolution.

Approved CDP 0901 Development Data:

	EXISTING	PROPOSED
Square Footage/GFA of commercial office	0	205,000
Square Footage/GFA of retail commercial	0	100,000

^{*}Denotes 2012 Amendment

Dwelling Types	Approximate % of Total Units	Number of Units
L-A-C Zone		
Single-family semidetached dwellings	15.3	20
Single-family attached dwellings	8.4	11
Two-family attached dwellings	30.5	40
Multifamily condominium dwellings	45.8	60
Subtotal	100	131

It should be noted that CDP-0901 included one variance in conjunction with the CDP approval (Variance VD-0901) to allow an additional 15.8 percent in multifamily units above the allowed 30 percent maximum. Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27. Further, it should also be noted that the subject CDP was approved with flexibility in the number of units as stated in CDP Condition 5 below. However, the applicant will not be able to exceed the number of dwelling units approved with this preliminary plan.

In regard to the amount of proposed commercial development at the time of the basic plan, the following discussion was included in the CDP findings of the Planning Board:

In a memorandum dated June 18, 2009, the District Council noted that the Council's approval for A-9988-C does not indicate the "85,000 to 100,000 square foot of retail/commercial space" as requested by the applicant. Furthermore, they advised that this quoted use should be viewed as one approved by the Council for all future certifications and reviews.

Therefore, the approved total commercial space would be 305,000 to 370,000 square feet. The total proposed commercial square footage, 305,000, listed on the proposed preliminary plan falls within this range; however, the number is at the bottom of the range and the proposed 131 residential units fall well below the allowed range. In order to assist staff in evaluating compliance with this requirement on an on-going basis, the applicant in each individual specific design plan should provide an inventory of the existing quantities of uses in the development, including the cumulative square footage/number of units of each land use as approved in the previous applications, and information as to the exact square footage/number of units proposed so that conformance with the above requirements can be evaluated.

Comprehensive Design Plan CDP 0901 Conditions:

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The multifamily component of the project shall be developed for active adults in accordance with the Land Use Types table of the basic plan.

The uses for the parcels as labeled on the preliminary plan do not specify the multifamily units as being active adult. This should be labeled on the plan to ensure the land uses are developed per the basic plan.

3. The proposed mixed-use development on this property shall include a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.

The proposed uses listed on the preliminary plan are in conformance with this condition, but this condition should be reiterated in the approval of the preliminary plan of subdivision to ensure future conformance.

4. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

The transportation system analysis of the preliminary plan should create a trip cap that is either consistent or more restrictive that the condition above.

5. At the time of preliminary plan and SDP, the applicant may increase the residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. However, the plans must conform to the maximum development allowed as stated in Condition 4 above. Revisions to the CDP for this purpose will not be required so long as the basic design requirements are adhered to in the proposed layout.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition by showing a total of 148 dwelling units. However, staff is concerned about the layout and is still reviewing the revisions as of the writing of this referral.

6. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan

(SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting patterns created for fee simple lots along Mattawoman Drive. The preliminary plan does not provide dimensions on the plan and should be revised prior to signature approval to indicate such. A proposed reduction of the building restriction line (BRL) will be analyzed at the time of specific design plan.

- 7. Prior to certificate approval of the comprehensive design plan:
 - b. The CDP plan and text shall be revised as follows:
 - (1) The on-site private recreational facilities list contained in the CDP text and plan shall include a swimming pool and a tot-lot.
 - (2) The community building and swimming pool shall be relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development. A six-foot-wide trail shall be provided around the SWM pond, if possible.
 - (3) Add a note to the plan and text that the residential development will be limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units, in order to create a more cohesive development.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address these three conditions.

^{*}Denotes 2012 Amendment

(8) Include the following phasing for the on-site private recreational facilities within the CDP text and plan.

CDP-0901 - PHASING OF AMENITIES			
FACILITY	BOND	FINISH CONSTRUCTION	
One gazebo/seating area – LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall* residential unit permit	
2,500 sq. ft. tot lot - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall residential unit permit	
Min. 2,200 square-foot Community building and swimming pool – LAC	Prior to the issuance of 200th overall* residential unit permit	Complete by 300th overall residential unit permit	
Double Tennis Court - LAC	Prior to the issuance of 200th overall residential unit permit	Complete by 300th overall residential unit permit	

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

This condition provides for guidance for the final bonding and completion of recreational facilities and the recordation of RFAs after the approval of the specific design plans for the project.

c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

Underlining indicates new language

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

The preliminary plan is unclear on this issue as there appears to be a minimum of 40 feet between the ultimate right-of-way of Brandywine Road and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement. Any proposed reduction of the scenic easement width will be analyzed at the time of specific design plan.

8. Prior to the approval of a specific design plan, the following shall be provided:

On both corners at the intersection of Mattawoman Drive and Brandywine a. Road, landmark buildings shall be provided within the retail/office use areas at the entrance into the development. These buildings shall have a maximum build-to-line of 100 feet from both rights-of-way, be a minimum of 26 feet high, be faced with a minimum of 60 percent brick, stone or stucco, or other masonry materials of equivalent quality, and have enhanced architecture on all building elevations, to include, but not limited to, balanced fenestration, ornamentation, and dimensional articulated roofs. Additionally, both buildings shall include a special architectural feature, such as, but not limited to, a portico, cupola, or belvedere located at the corner of the building closest to the intersection. The area in front of the proposed landmark buildings shall be designed to enhance visual interest provided through variation in building materials and color at the street level, pedestrian-scaled signage, awnings, outdoor seating areas, and high-quality pedestrian amenities. Specific details of the retail façades shall be provided and reviewed with the specific design plan application.

This condition should be considered in determining the commercial parcel layout adjacent to the intersection of Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan are smaller and might not allow sufficient room to place these landmark buildings as required.

j. No rear elevations of commercial buildings shall be oriented toward Brandywine Road or Mattawoman Drive. Any side elevations of commercial buildings oriented toward Brandywine Road or Mattawoman Drive shall be designed with the same attention to detail as the front elevation.

This condition should be considered in determining the commercial parcel layout adjacent to Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan do not seem to prohibit the building arrangement as required by this condition.

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

k. An appropriate landscape bufferyard shall be provided between the commercial and residential uses unless a street is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.

This condition should be considered in determining the residential lot and parcel layout adjacent to the commercial parcels. The parcels and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

I. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network, unless such environmental constraints/impacts exist that make this impractical.

This condition should be considered in determining the residential lot and parcel layout adjacent to the trail along the stream valley. The buildings and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

s. A Phase II noise study for any residential units along Mattawoman Drive shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirements along the Mattawoman Drive right-ofway cannot be thoroughly addressed until the time of specific design plan, just as issues relating to reduced building restriction lines should not be evaluated without the Phase II noise study.

v. A 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.

The preliminary plan is unclear on this issue as there appears to generally be a minimum of 30 feet between the ultimate right-of-way of Mattawoman Drive and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

w. The residential development shall be designed to minimize the use of public streets ending in cul-de-sacs in order to promote vehicular circulation.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition. However, additional review will occur with subsequent SDPs.

13. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—L-A-C ZONE¹

	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Active-Adult Multifamily ⁴
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	35 ¹⁰	35	35 ¹⁰	50 ¹⁰
Minimum building setback from Mattawoman Drive ¹¹	50 feet	50 feet	50 feet	50 feet
Minimum front setback ⁵	N/A	20 feet	3, 6	7
Minimum side setback ⁵	N/A	10 feet	6	7
Minimum rear setback ⁵	N/A	20 feet	6	7
Minimum side setback to street ⁵	N/A	20 feet	6	7
Maximum residential building height ¹²	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8 ²

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

[[]Brackets] and strikethrough indicate deleted language

- All parking is governed by Part 11 of the Zoning Ordinance.
- Variance requested from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.
- Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 30-foot front yard setback in order to reduce the length of the driveway.
- To be developed as condominiums and as an active adult community, per A-9988-C.
- 5 Stoops and/or steps may encroach into yard area.
- Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.
- Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- Fences in the front yard shall not be more than four feet high.
- This percentage is for building coverage (and not for lot coverage) of the overall net tract area.
- At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—L-A-C ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet

Note: No accessory building shall be located closer to the street line than the main building on the lot or parcel.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	Commercial Retail	Employment /Flex Space
Minimum Net Lot Area	N/A	N/A	N/A
Minimum frontage at street R.O.W	N/A .	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage (%)	N/A	N/A	N/A
Maximum Build-to-Line along Mattawoman Drive	100 feet	100 feet	100 feet
Minimum front setback from R.O.W.	30 feet	30 feet	30 feet
Minimum side setback	30 feet	30 feet	30 feet
Minimum rear setback	30 feet	30 feet	30 feet
Maximum building height	N/A	N/A	N/A
Minimum parking spaces	As required by Part 11 of the		

The preliminary plan shall adhere to the standards set above and the same standards should be added to the plan prior to signature approval.

†[20. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval three weeks prior to submission of a final plat. Upon approval by DPR, the RFA shall be

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

21. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits.]

†15. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

†By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 for the PPS, Conditions 14-21 of CDP-0901, and Conditions 20-27 for CDP-0902 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

- 22. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
- 23. The private recreational facilities shall be reviewed by the Urban Design Section as designee of the Planning Board for adequacy, conformance to the

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Park and Recreation Facilities Guidelines, and location during the specific design plan review.

The two above conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

24. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

25. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits. It should also be noted that bonding of the project is subject to the timing of permits associated with the appropriate phase of development as stated in CDP Condition 7.b.(8), addressed above.

28. The applicant shall provide sufficient dedication on the preliminary plan along Brandywine Road for on-road bike lanes in accordance with SHA standards and AASHTO guidance.

This condition of approval of the CDP is noted for its requirement of sufficient dedication along Brandywine Road for on-road bike lanes. This condition is addressed by the Transportation Planning Section.

30. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition of approval of the CDP is noted for its requirement and its fulfillment of basic plan Condition 5 above.

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement and should be discussed further prior to the approval of specific design plans, in order to determine the final disposition of the trail.

- 41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

The preliminary plan reflects these rights-of-way as required within the portion of the property covered by CDP-0901.

- 43. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381at Mattawoman Drive.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

45. At the time of SDP review, the applicant may redesign the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.

The applicant submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition.

Conformance with the Zoning Ordinance

The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-496(d) L-A-C Zone Regulations

Section 27-496(d) indicates that each lot in the L-A-C Zone 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. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily or two-family attached portions of the development, so it is unclear whether or not this requirement is met. It is recommended that the private 50-foot right-of-way, as shown on the sketch plan, be defined as a public right-of-way since townhouse lots, multifamily buildings, and the recreational facilities front this street.

Section 27-480(b) CDZ General Development Regulation

Section 27-480(b) indicates that the minimum lot area for townhouses shall be 1,800 square feet. The preliminary plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not specify lot size. It is recommended that labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Section 27-480(d) CDZ General Development Regulation

Section 27-480(d) indicates that there shall be no more than six townhouses per building group in any comprehensive design zone, except where the applicant demonstrates 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. Additionally, in no event shall there be more than nine dwelling units in a building group, and garage parking within all building groups shall be provided in rear-loaded garages except where the rears of the units are located along open space areas along the perimeter of the development area or areas of steep topography. The sketch plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not label lot types clearly. It is recommended that lot labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

Section 27-480(e) CDZ General Development Regulation

Section 27-480(e) indicates that the minimum building width for townhouses in any continuous, attached group shall be 20 feet. The sketch plan does not label the lot dimensions, so it is recommended that lot dimensions be provided on the plan prior to signature approval to ensure compliance with this requirement.

Conformance with the Prince George's County Landscape Manual

The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual*. Although Section 4.7 does not technically apply in comprehensive design zones, Urban Design staff used the requirements as a guide. Conformance with these requirements will be judged at the time of specific design plan approval.

Other Design Issues

The preliminary plan included a variation request from the 150-foot lot depth requirement along an arterial road (Mattawoman Drive), per Section 24-121(a)(4) of the Subdivision Regulations, that affected only lots and parcels within the R-M Zone. However, it is unclear whether this variation would now apply to the lots and parcels within the L-A-C Zone as the submitted sketch plan does not provide parcel lines or dimensions for review. With the addition of this information, if it is now determined that a variation from the lot depth is necessary within the L-A-C Zone, it will be difficult to make urban design comments regarding adequate protection and screening from traffic nuisances as details or descriptions of proposed protection measures, such as earthen berms, plant materials, fencing, and/or the establishment of a building restriction line have not been labeled or provided. Noise mitigation measures must be further addressed at the time of SDP when a Phase II noise study is recommended.

Block A, the commercial/employment area of the site, has lot lines running through drive aisles and parking lots which will create difficulties in complying with the requirements of Section 4.3.b., Parking Lot Perimeter Landscape Strip, of the Landscape Manual. This issue of perimeter parking lot landscaping within office parks allows for smaller compounds and should be

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

considered in the preliminary plan process. The applicant should be prepared to revise the plan or consider the possibility of the requirements for alternative compliance or departure applications to address Section 4.3.b. at the time of specific design plan if necessary.

19. **Urban Design: R-M Zone**—This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The Timothy Branch project includes 262 acres in the R-M (Residential Medium Development) Zone and 72.26 acres in the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the R-M-zoned portion of the property, its previous Basic Plan approval (A-9987-C), and the subsequent Comprehensive Design Plan approval (CDP-0902).

Conformance with Zoning Map Amendment Applications A-9987-C

On June 16, 2008, the property was conditionally rezoned to the R-M and L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The condition and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

Approved Land Use Program A-9987-C (R-M)

Land Use Types and Quantities

Total area: 262± acres

Land in the 100-year floodplain: 19 acres

Adjusted Gross Area: 243 acres

Density permitted under the R-M Zone: 3.67-5.7 du/ac

Permitted dwelling unit range: 874.8–1,385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

The approval of CDP-0902 included the following breakdown of units:

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone		
Single-family Detached	9.45	101
Townhouses	34.42	368
One-Family Semi-Attached (Duplex)	7.48	80
Two-Family Attached (Two-Over-Twos)	29.18	312
Multifamily	<u>19.45</u>	208
Total Units in the R-M Zone	99.98 or approximately 100%	1,069

It should be noted that CDP -0902 included a two-part variance in conjunction with the CDP approval (Variance VD-0902) to allow an additional 9.5 percent in multifamily units (for a total of 208 multifamily units) and 4.4 percent in townhouse units (for a total of 368 townhouse units). Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27.

Basic Plan Conditions

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

The Planning Board addressed the condition above through conditions of approval for CDP-0902, which was found to be consistent with the Subregion V Master Plan.

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)

This condition was addressed by the Transportation Planning Section at the time of comprehensive design plan and is also addressed with the preliminary plan of subdivision.

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

In the review of CDP-0902, this issue was discussed at length, the main issue being that, as was testified by the Department of Parks and Recreation (DPR) at the Planning Board hearing, DPR is not interested in acquiring the property associated with the Timothy Branch steam valley, nor are they interested in being party to a public use easement for the master plan trail as discussed previously. DPR staff also testified that the proposed master plan trail along the Timothy Branch stream valley will terminate at Brandywine Road because a road crossing at that location would create a safety hazard. Staff further stated that the master plan trail located along Mattawoman Drive will adequately serve users traveling between the subject site and properties on either end of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in a condition of the Planning Board's approval of the CDP.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

Mattawoman Drive is a master-planned arterial road. The Planning Board found that providing a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards addresses the condition above.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions of the CDP and this preliminary plan address specific requirements for the sidewalk and trail network discussed in this condition.

- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

The CDP has a condition to address the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further reviewed with the SDPs.

d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

The subject CDP proposes 1,069 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. The CDP addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with the development. It should also be noted that the applicant is obligated to construct major off-site recreational facilities at the nearby Brandywine Area Community Park including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community, and as discussed in the Parks and Recreation section of this report.

8. At the time of Comprehensive Design Plan the applicant shall provide either:

- a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
- b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

To address this condition of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant has proposed the †payment of a fee-in-lieu of \$700,000 for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) †[including: one softball field, one soccer field, and a 65-space parking lot.], and private on site recreation facilities.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of CDP review, the applicant provided copies of communications sent to the adjacent projects listed along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreation amenities so that the twenty acre public parkland can serve as a Community Park.

The applicant has reached an agreement with DPR for providing †a fee-in-lieu for off-site recreational facilities, as per the basic plan condition, †[on Parcel A,] for the Brandywine Community Park (M-NCPPC).

Conformance with Comprehensive Design Plan CDP-0902

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

The Planning Board approved Comprehensive Design Plan CDP-09002 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. As of the writing of this report, the Planning Board had not adopted the resolution of approval. Therefore, the actual wording of the conditions may be slightly different from the resolution.

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The total area within the L-A-C Zone (CDP-0901) and the R-M Zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

A trip cap is recommended.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of Mattawoman Drive. For ease of review, the preliminary plan of subdivision should be revised prior to signature approval to indicate the 50-foot building restriction line (BRL) along the ultimate right-of-way of Mattawoman Drive. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of US 301. For ease of review, the preliminary plan of subdivision should be revised prior to signature approval to indicate the 200-foot BRL along the ultimate

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

right-of-way of US-301. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - a. Show the proposed transit alignment and include the following label:

"Possible Future Transit alignment (subject to further future environmental review)."

The preliminary plan and all future specific design plans should show this transit alignment. Lot lines for single and two-family unit types should be free and clear of the future right-of-way for the transit facility.

b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.

The preliminary plan should show the access in an outlot, which could be conveyed in the future by the applicant and his heirs, successors, and/or assignees, providing direct access to Short Cut Road and divert industrial traffic away from Mattawoman Drive at such time as both parties are in agreement.

c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

RESIDENTIAL USES—R-M ZONE¹

	One-family , detached	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq. ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD^{10}	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

<u>Underlining</u> indicates new language

[[]Brackets] and strikethrough indicate deleted language

- All parking is governed by Part 11 of the Zoning Ordinance.
- Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.
- Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.
 - This percentage is for building coverage (and not for lot coverage) of the overall net tract area
- 5 Stoops and/or steps may encroach into yard area.
- Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.
- The minimum building setback for one-family detached, two-family detached, single-family semidetached and single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

The preliminary plan of subdivision should adhere to the above standards and a note should be required to be added to the preliminary plan of subdivision prior to signature approval.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

This condition is addressed in the Environmental section of this report.

11. If, revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

This condition is addressed in the Environmental section of this report.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirement along either Mattawoman Drive or the US 301 right-of-way cannot be thoroughly addressed until after receipt of a Phase II noise study. The specific design plan will address building restriction lines and the protection of outdoor activity areas from unmitigated noise levels above 65 dBA. The Urban Design Section would support the granting of the variation of the lot depth requirement for the project along Mattawoman Drive and US 301 with condition, due to the lack of provision of supporting information in the applicant's statement of justification.

The applicant claims that the revised layout creates a natural buffer for all of the lots along A-63, Mattawoman Drive, but has not provided evidence of the reduction in noise level for the outdoor activity areas associated with the units. A berm along US 301 may provide sufficient buffering to adequately mitigate the noise generated, but should be demonstrated with a Phase II noise study. Conditions are recommended to address adverse noise impacts at the time of SDP, and discussed further in the Environmental section of this report.

†[26. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to the Department of Parks and Recreation for their approval three weeks prior to the submission of a final plat. Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

27. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision.]

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

†21. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

†By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 for the PPS, Conditions 14-21 of CDP-0901, and Conditions 20-27 for CDP-0902 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

- 28. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.
- 29. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

These conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

30. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

31. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CD	P-0902 - PHASING OF AMEN	NITES
FACILITY	BOND	FINISH CONSTRUCTION
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

Underlining indicates new language

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)
1 Unless the District Council amends the Basic Plan condition requiring the same

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

This condition provides guidance for the final bonding and completion of recreational facilities and the recordation of RFAs, after the approval of the specific design plans for the project. The bonding of the recreational facilities is allowed to be sectionalized in accordance with the above schedule. Minor revisions to this chart will be permitted based on the final analysis of the facilities proposed, and the timing of bonding and construction.

32. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision. It should also be noted that the bonding of the project is subject to the timing of permits associated with the appropriate phase of the development, as stated in CDP-0902, Condition 31.

34. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition is noted for its requirement and fulfillment of Basic Plan A-9987-C, Condition 5.

40. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement unless the District Council amends the basic plan condition requiring the trail, and is discussed further in the Trails section of this report.

[†]Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

- 44. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

The preliminary plan addresses this condition.

- 45. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

47. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.

The preliminary plan should be revised prior to signature approval in accordance with the condition above.

Conformance with the Zoning Ordinance

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-509(d) R-M Zone Regulations

Section 27-509(d) indicates that each lot in the R-M Zone 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. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily portions of the development. Whether they are parcel or lot lines, the applicant should be required to demonstrate conformance with this requirement unless the elements of the exception have been met.

Section 27-480(d) CDZ General Development Regulation (in part)

There shall be no more than six (6) townhouses per building group in any Comprehensive Design Zone (with the exception of the V-L and V-M Zones) for which an application for a specific Design Plan is filed after December 30, 1996, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) 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 six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the SDP, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width...

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Section 27-480(e) CDZ General Development Regulation

The minimum building width for townhouses in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space for a townhouse shall be one thousand two hundred and fifty (1,250) square feet in any development for which an application for a Specific Design Plan is filed after December 30, 1996 (with the exception of townhouses in the V-L and V-M Zones and, as it applies to the minimum building width only, townhouses on property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or planned Washington Metropolitan Area Transit Authority Metrorail station). For the purposes of this subsection, "gross living space" shall be defined as all interior building space except the garage and unfinished basement or attic area.

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Conformance with the Prince George's County Landscape Manual

The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual*. Although Section 4.7 does not technically apply within comprehensive design zones, it will be used as a guide in the review and approval of specific design plans for the project.

Other Design Issues

The variation request from the 150-foot lot depth requirement along the arterial roadway, Mattawoman Drive, and the 300-foot lot depth requirement along US 301, per Section 24-121(a)(4) of the Subdivision Regulations, will be further evaluated with the review of the Phase II noise study at the time of SDP to ensure that the rear yards of the units are protected from noise levels exceeding 65 dBA Ldn. The current information on the plan indicates that the majority of units located within Block F are entirely impacted by greater than 65 dBA Ldn unmitigated noise contour. Section 24-121(a)(4) requires that protection be provided via earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. The use of a berm or noise wall is not appropriate along Mattawoman Drive as the units front on the arterial roadway.

Along US 301, the use of a berm is conceptually shown on the plan, but the impact of the berm on noise volumes has not yet been determined and will be with the review of a Phase II noise study. Therefore, along each edge of the development, staff recommends that, at the time of approval of specific design plans for the project, the 65 dBA Ldn mitigated noise line be shown on the plans and all rear yards of either single-family detached, single-family attached, or two-family dwellings provide a minimum 25-foot-wide outdoor activity area free of noise intrusion above the 65 dBA Ldn mitigated line. It should be noted that the project's US 301 frontage is interrupted by an independent parcel that is cleared. It may be difficult to create a berm in this area and therefore, a noise wall may be more appropriate.

In some areas, like Block E, it is not clear where recreational areas are to be located. All outdoor recreational areas have to be located outside of the 65 dBA Ldn line at the time of SDP. The mitigated 65 dBA Ldn line and more precise location information for outdoor recreational areas should be shown on the specific design plan.

All stormwater ponds should be designed as visual amenities and placed so as to complement recreational facilities. A homeowners association trail should be provided around all ponds if possible.

In Block D, create a visual break and convenient direct pedestrian connection between the trail and the main recreational facility in Parcel D.

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

A redesign of Block E for the layout of multifamily buildings is necessary to provide a cohesive community that reduces or eliminates surface parking, provides a central focal recreational space, and provides an appropriate location for future pedestrian connections to the off-site transit stops. Special attention should be paid to landscaping and architecture of the buildings along Mattawoman Drive at time of specific design plan. The footprints of buildings and parking areas should be deleted from the preliminary plan to allow more flexibility in design at the time of approval of specific design plans regarding layout of structures and choice of multifamily product type.

20. **Stormwater Management**—The Department of Public Works and Transportation has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11355-2009-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan, and any subsequent revisions.

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, October 28, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of December 2010.

*This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to police response time reporting on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 5, 2012, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 24th day of May 2012.

†This is to certify that the foregoing is a true and correct copy of the reconsideration 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 and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 19, 2015, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 19th day of March 2015.

Patricia Colihan Barney Executive Director

By

Jessica Jones

Planning Board Administrator

PCB:JJ:WC:ari

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

SDP-1701-03_Backup 232 of 378

PGCPB No. 14-116 File No. SDP-1304

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on October 23, 2014, regarding Specific Design Plan SDP-1304 for The Villages at Timothy Branch, the Planning Board finds:

1. **Request:** The subject application is for approval of a SDP for infrastructure, which includes clearing, grading, roadway extension of Mattawoman Drive, frontage improvements, pipe, and stormwater pond construction for the entire site.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zone	L-A-C/R-M	L-A-C/R-M
Uses	Vacant	Infrastructure
Total Acreage	334.26	334.26
Area of Dedication		
Brandywine Road	N/A	0.29 acre
Mattawoman Drive	N/A	10.75 acres

- 3. **Location:** The subject property is a tract of land consisting of wooded undeveloped land and open farm land located on the eastern side of Robert S. Crain Highway (US 301), southeast of its intersections with Branch Avenue (MD 5) and Brandywine Road (MD 381), in Planning Area 85A, Council District 9.
- 4. **Surrounding Uses:** The entire Timothy Branch property consists of 334.26 acres and is bounded to the north by Brandywine Road (MD 381); to the northwest by Short Cut Road; to the east by the Timothy Branch stream valley; to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones; and to the west by Crain Highway (US 301), a single commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E) located in the central northern portion of the property which is zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. The 72.26-acre L-A-C-zoned (Local Activity Center) portion of the property is in the northeastern corner, just south of MD 381, and the 262-acre, R-M-zoned (Residential Medium Development) portion is located in the south, abutting US 301.

5. **Previous Approvals:** Zoning Map Amendments (Basic Plans) A-9987 and A-9988 were approved by the District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and one consideration.

Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion was approved by the Prince George's County Planning Board on October 7, 2010 (PGCPB Resolution No. 10-111). The Prince George's County District Council elected to review the case, which they did at a hearing on November 14, 2011. Subsequently, they issued an order of approval on January 23, 2012, subject to 46 conditions.

Comprehensive Design Plan CDP-0902 for the R-M-zoned portion was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case, which they did at a hearing on November 14, 2011. They then remanded the case to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the revised approval and issued an order of approval on November 4, 2013, subject to 50 conditions.

Preliminary Plan of Subdivision 4-09003 was originally approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117). The applicant's request for a reconsideration of this decision was granted and, on April 5, 2012, the Planning Board heard testimony regarding the reconsideration and approved Preliminary Plan 4-09003 subject to the 40 conditions contained in PGCPB Resolution No. 10-117(A).

- 6. **Design Features:** The subject SDP is for rough grading the entire property and road infrastructure for Mattawoman Drive, which runs north-south through the entire subject property. The SDP proposes two areas of road dedication for Brandywine Road and Mattawoman Drive, and does not create any new parcels. The specific infrastructure improvements proposed include the following:
 - a. Clearing of existing woodland;
 - b. Rough grading of the future streets and lot areas;
 - c. Dedication and construction of Mattawoman Drive;
 - e. Storm drainage construction;
 - f. Stormwater management pond construction; and
 - g. Water and sewer system construction.

No specific uses, buildings, residential lots, or architecture are proposed with this SDP, and would have to be included in future SDPs for the subject property prior to construction.

The SDP also includes grading for a proposed noise berm along the property's US 301 frontage, which is to be reforested. Final design of noise mitigation features will have to be determined with a future SDP that proposes residential development. However, the grading currently shown for the noise berm appears highly engineered. It is not a very naturalistic form, which creates concern about the final appearance of this berm. The Planning Board found that the design should be softened to create varying shapes, rounded edges, and a more naturalistic appearance.

The SDP proposes five new stormwater management ponds throughout the subject property. There was some consideration in previous approvals for the site that the ponds should be designed as visual amenities and placed so as to complement recreational facilities and include trails, where possible. It is understood that this plan represents a rough grading for the property and that improvements will be modified as the site development is finalized and engineered. Therefore, the Planning Board found that the stormwater pond areas should be modified, where possible, in future SDPs to include things that may include trails, landscaping, sitting areas, and attractive hardscaping, so that they serve as visual and recreational amenities for the surrounding development.

7. **Zoning Map Amendments (Basic Plans) A-9987 and A-9988:** Basic Plans A-9987-C and A-9988-C were approved by the District Council on July 11, 2008 subject to 12 conditions and one consideration. The following are applicable to the review of this SDP:

Land Use Types and Quantities:

A-9987:

Total area: 262± acres
Land in the 100-year floodplain: 19 acres
Adjusted gross area: 243 acres
Density permitted under the R-M Zone: 3.6–5.7 du/ac
Permitted Dwelling Unit Range 874.8–1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

A-9988:

Total area: 72± acres
Land in the 100-year floodplain: 8 acres
Adjusted gross area: 64 acres
Density permitted under the L-A-C Zone: 10–15 du/ac
Permitted dwelling unit range: 640 – 960 du
Floor area ratio: 0.2–0.4 FAR

Proposed commercial/employment: 220,000–270,000 sq. ft.

Proposed Land Use Types and Quantities:

One-family attached, townhouse and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Conformance with these requirements was found at the time of comprehensive design plan (CDP) approval. The subject SDP does not propose any land uses or buildings.

Conditions

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Conformance with this condition was found at the time of CDP. The specified trails are not part of the work associated with the subject application and would have to be included in a future SDP for the subject property.

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

Proposed A-55 is located south of the subject site; therefore, this condition does not apply.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

The submitted SDP shows a five-foot-wide concrete sidewalk along the west side of Mattawoman Drive and an eight-foot-wide concrete sidepath on the east side, in accordance with previous conditions of approval.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

The subject SDP does not propose to construct any internal roads other than Mattawoman Drive this time. This requirement would have to be included in a future SDP for the subject property.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

Conformance with this condition was found at the time of CDP. A revised Type 1 Tree Conservation (TCP1-151-90-02) was submitted with the preliminary plan, and a revised Type 2 Tree conservation Plan (TCP2-068-93-01) was submitted with the current application. This issue is discussed further in Finding 13 below.

- 8. **Comprehensive Design Plan CDP-0901:** Comprehensive Design Plan CDP-0901 for the subject property was approved on January 23, 2012 by the District Council, subject to 46 conditions. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:
 - 8. Prior to the approval of a specific design plan, the following shall be provided:
 - n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.

An approved Stormwater Management Concept Letter and Plan (11355-2009-00), reapproved April 25, 2012 and valid through April 25, 2015, was submitted with the current application. The stormwater management review function and conformance of the stormwater management plans with the requirements of Subtitle 32 of the Prince George's County Code previously performed by the Department of Public Works and Transportation (DPW&T) has been transferred to the Department of Permitting, Inspections and Enforcement (DPIE). Conformance with Subtitle 32, Water Resources Protection and Grading Code, enacted on July 19, 2011, will be evaluated by DPIE.

o. The TCP 2 for the subject property demonstrating that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The requirements of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) are fully provided for on-site through preservation and afforestation, with no off-site mitigation proposed.

p. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP 2.

Although the site was later determined to be grandfathered by prior tree conservation plan (TCP) approvals, a variance for removal of Specimen Tree 3 was included as a condition of approval for the CDP. A variance application and statement of justification were submitted by the applicant in fulfillment of this condition, and has been evaluated below:

The TCP2 indicates that the site contains specimen trees. Section 25-122(b)(1)(G) requires that:

(G) 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 TCP2 indicates that there are seven living specimen trees on the site, one of which is proposed for removal. Specimen Tree ST-3 is a 31-inch diameter at breast height (DBH) white oak in poor condition located in the central portion of the site, which is proposed to be removed to provide for grading for site development. A Subtitle 25 Variance application and a statement of justification for the removal of one specimen tree were submitted on August 1, 2014.

Section 25-119(d)(1) of the WCO contains four required findings (text in **bold**) to be made before a variance can be granted:

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

The single tree proposed for removal is one of seven specimen trees on the site located just outside of the master-planned right-of-way for Mattawoman Drive. The condition of this tree has been determined to be poor.

The Villages of Timothy Branch is zoned R-M, which allows a mixture of residential dwelling types with a medium density range. Preservation of the identified specimen tree and its critical root zone would require the relocation of a proposed public road into this portion of the development and the relocation of units.

The elongated shape of the property has limited access points because of a stream valley on the east and a freeway/expressway on the west. These present special conditions peculiar to the property which have caused an unwarranted hardship by focusing development in the middle of the site and requiring the removal of one specimen tree in order to accommodate

the desired development pattern of the zoning protect regulated environmental features, and address noise impacts on-site. The poor condition of the specimen tree does not warrant an avoidance option.

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

Similar projects have been approved for the removal of specimen trees in order to achieve the desired development pattern and density. Retention of the one specimen tree, which is in declining heath and for which long-term survival is uncertain, would further decrease the development potential of this property as is allowable in the R-M Zone, and which is already constrained by environmental features.

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

Granting of this variance will not confer a special privilege to the applicant, but will allow the applicant to develop the subject property in a manner consistent with, and complimentary to, surrounding properties and land uses.

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

The variance request is because of the existing shape and location of the subject property, and not because of conditions or circumstances which are the result of actions by the applicant.

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

The need for a variance to develop this site does not arise from any condition relating to land or building use on a neighboring property, but is solely due to development on the subject property.

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

Because this property will be developed in keeping with an approved stormwater management plan, there will be no adverse effect on water quality. The stormwater management design for the site is required to meet the current regulations, which require the post-development conditions to mimic a pre-development condition of a site as "woods in good condition." Because the site must meet strict water quality and quantity requirements, the loss of one specimen tree should not have a significant adverse impact on water quality. Specific requirements regarding stormwater management for the site will be further reviewed and approved by DPIE.

The required findings of Section 25-119(d)(1) have been adequately addressed for the removal of the Specimen Tree ST-3. A note shall be placed on the plan indicating this approval.

q. The use of full cut-off optics to ensure that light intrusion into residential and environmentally-sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The subject SDP does not propose any lighting fixtures except within the public right-of-way of Mattawoman Drive. The specifics of these light fixtures will be governed by the public agency; however, the specified note should still be placed on the SDP as required. Therefore, a condition has been included in this approval requiring such.

r. A tree canopy coverage (TCC) schedule on the SDPs and associated TCP2s indicating how the TCC requirements have been fulfilled for the subject application.

The subject SDP provides a tree canopy coverage schedule. This issue is discussed further below:

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned L-A-C are required to provide a minimum of 10 percent of the gross tract area in tree canopy, and properties that are zoned R-M are required to provide a minimum of 15 percent. The subject property is a total of 334.26 acres in size, resulting in a combined TCC requirement of 46.53 acres. A TCC schedule was provided showing that the requirement is being met on-site by the retention of existing woodlands. However, the number listed in the TCC schedule does not match the TCP2, and should be revised. A condition has been included in this approval regarding this.

10. Prior to acceptance of an SDP, a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

The subject SDP was accepted without a plan or proposal for primary management (PMA) mitigation because a nontidal wetland mitigation area of 3.5 acres is protected on the site, which was 1.26 acres more than the permitting requirement. No additional PMA mitigation will be required.

11. Prior to approval of any TCP 2 which proposes to credit as woodland conservation planting occurring within a stormwater management easement, a site development stormwater management plan shall be submitted to the Prince George's County Planning Department which indicates that the planting areas proposed have been reviewed by the Department of Public Works and Transportation (DPW&T) with regard to the location, size, and plant stocking proposed. No afforestation or preservation areas should be shown within 15 feet of the toe of the pond embankment, or as determined by DPW&T or the Soil Conservation District reviewers.

This issue needs to be resolved prior to signature approval of the TCP2, if any woodland conservation is being credited within a stormwater management easement. Therefore, this condition has been carried forward in this approval.

27. The applicant shall provide an eight-foot-wide, concrete side path in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval and in accordance with SHA standards and subject to AASHTO guidance.

An eight-foot-wide sidepath is shown along the subject site's entire frontage of Brandywine Road (MD 381).

30. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

An eight-foot-wide sidewalk is shown along the subject site's entire frontage of the east side of Mattawoman Drive. A five-foot-wide sidewalk is shown along the subject site's entire frontage of the west side of Mattawoman Drive.

31. At the time of SDP, the plans shall identify the location of median refuge islands along Mattawoman Drive, per DPW&T standards and with AASHTO guidance.

Medians have been indicated along Mattawoman Drive on the SDP. However, the location and details of pedestrian crossings and refuges has not been clearly labeled or provided and should be done prior to certification. Therefore, a condition has been included this approval requiring such.

33. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.

The width of the sidewalks and sidepaths for infrastructure roadways shown on this SDP has been provided.

34. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.

Sidewalk, sidepath, bikeways and trail cross sections and details have not been provided in the SDP and must be.

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

The specified trail is not part of the work associated with the subject application and would have to be included in a future SDP for the subject property.

40. Provide a trail construction sequence plan with each of the specific design plans so that staff can evaluate the timing of the construction of the trails.

No trails are proposed with the subject application. They would have to be included in a future SDP for the subject property.

- 41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

The above rights-of-way have been shown on the SDP. The square footage of each right-of-way dedication area should also be provided on the SDP plan sheets, with adjustment to acreages as appropriate.

46. At the time of specific design plan, the required phasing of the construction of the extension of Mattawoman Drive to Matapeake Business Drive prescribed in Condition 43(d) shall be determined, but the construction of this extension must be completed prior to or concurrent with the construction of the residential component of CDP-0901 in order for this CDP application to satisfy the requirement that it not excessively burden public facilities.

The subject SDP does not specify the extension of Mattawoman Drive to the off-site Matapeake Business Drive at this time. This issue will have to be addressed at the time of a future SDP that involves development on the subject property in accordance with preliminary plan Condition 26.

- 9. **Comprehensive Design Plan CDP-0902:** Comprehensive Design Plan CDP-0902 for the subject property was originally remanded by the District Council to the Planning Board on January 23, 2012. Subsequently, they reheard the case and approved it on November 4, 2013 subject to 50 conditions, many of which are duplicative of CDP-0901 approval conditions and are therefore not included here. The following conditions of the CDP approval are applicable to the subject SDP and warrant discussion as follows:
 - 4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

The subject SDP does not propose any land uses or buildings.

50. At the time of SDP, the required phasing plan for the construction of the extension of Mattawoman Drive to Matapeake Business Drive prescribed in Condition 45(d) shall be determined, but the construction of this extension must be completed concurrent with or prior to completion of half of all of the residential units included in CDP-0901 and CDP-0902 (i.e., by the 600th residential building permit).

The subject SDP does not propose any land uses or buildings. Therefore, a phasing plan for the required improvement will have to be submitted with a future SDP that proposes development in accordance with PPS Condition 26.

- 10. **Preliminary Plan of Subdivision 4-09003:** The relevant Preliminary Plan of Subdivision, 4-09003, was originally approved by the Planning Board on October 28, 2010. Subsequently, the applicant requested a reconsideration, which the Planning Board heard and approved on April 5, 2012 subject to 40 conditions. The following conditions warrant discussion in relation to the subject SDP:
 - 3. Prior to approval of the SDP, the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.

Even though the SDP does not propose any development, the SDP and TCP2 should include the delineation of the unmitigated or mitigated noise contours related to US 301/MD 5. Therefore, a condition has been included in this approval regarding this issue.

6. Prior to approval of the first SDP, a proposed stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

The SDP proposes a nontidal wetland mitigation area of 3.5 acres on the site, which is 1.26 acres more than the requirement. No additional mitigation will be required.

7. At the time of the first SDP submittal, the submission package shall include a proposed site development for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.

Stormwater Management Concept Plan 11355-2009-00, reapproved April 25, 2012 and valid through April 25, 2015, was submitted with the current application.

8. Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan

shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T with regard to the location, size, and plant stocking proposed.

This issue needs to be resolved prior to signature approval of the TCP2, if any woodland conservation is being credited within a stormwater management easement. Therefore, this condition has been carried forward in this approval.

- 24. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.

An eight-foot-wide sidepath is shown along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval.

c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.

An eight-foot-wide sidewalk is shown along the subject site's entire frontage of the east side of Mattawoman Drive.

d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.

A five-foot-wide sidewalk is shown along the subject site's entire frontage of the west side of Mattawoman Drive.

e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.

Medians have been indicated along Mattawoman Drive on the SDP. However, the location and details of pedestrian crossings and refuges has not been clearly labeled or provided and should be done prior to certification. Therefore, a condition has been included in this approval requiring such.

g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.

The location, width, and surface treatment of the sidewalks and sidepaths for infrastructure roadways shown in this SDP have been provided.

h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.

Sidewalk, sidepath, and trail cross sections and details have not been provided in the SDP and should be.

- 25. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's frontage.

The above rights-of-way have been shown on the SDP, but the square footage of each right-of-way dedication area should also be provided on the SDP plan sheets.

- 26. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.

- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
- d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

The subject SDP does not propose any development within the subject property. Therefore, a phasing plan for the required improvements will have to be submitted with a future SDP.

- 30. All appropriate specific design plans shall limit access to A-63 as follows:
 - a. Any public or private streets shown on the approved preliminary plan.
 - b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.
 - c. A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.

The subject SDP does not propose any street or driveway connections to A-63 (Mattawoman Drive) at this time. This condition will have to be reviewed for conformance with future SDPs.

32. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.

The applicant submitted four copies of the final Phase II report on June 17, 2010, and the reports were accepted by Historic Preservation staff on July 20, 2010. The applicant has not provided documentation that the artifacts have been curated at the Maryland Archaeological Conservation Lab. This documentation should be provided to Historic Preservation staff prior to signature approval of this SDP.

33. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

This issue is discussed further in Finding 14(a) below, resulting in the conclusion that the location, wording, and timing of interpretive signage needs to be dealt with at the time of SDP that includes site development beyond infrastructure.

- 36. Prior to signature approval of the preliminary plan, the preliminary plan shall conform to all applicable Zoning Ordinance requirements and CDP conditions, including the following:
 - f. The plan shall show a minimum 40-foot wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements along the southern frontage of Brandywine Road.

The required 40-foot-wide scenic easement is shown on the submitted SDP sheets.

40. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.

The subject SDP only proposes one road at this time, Mattawoman Drive, which is already the recorded name. Future SDPs that propose new roads will have to be reviewed for conformance to this condition.

- 11. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the L-A-C and R-M Zones and the site plan design guidelines of the Zoning Ordinance.
 - a. The subject application is in conformance with the applicable requirements of Section 27-494, Purposes; Section 27-495, Uses; and Section 27-496, Regulations, governing development in the L-A-C Zone.
 - b. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; and Section 27-509, Regulations, governing development in the R-M Zone.
 - c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
 - (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);

The plan conforms to the requirements of CDP-0901 and CDP-0902 as detailed in Findings 8 and 9 above and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 12 below.

(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;

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

(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 or provided as part of the private development;

The proposed plan for infrastructure development only will have no impact on the previous finding that the project will be adequately served within a reasonable period of time, as was found in the approval of Preliminary Plan 4-09003.

(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;

A memorandum dated September 17, 2014 from DPIE indicated that the applicant has an approved stormwater management plan and final technical plan approval for the six proposed ponds. Therefore, it may be said that adequate provision has been made for draining surface water, with no adverse effects.

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

The Planning Board found to approve TCP2-068-93-01 subject to conditions. Those conditions have been included in this approval. Therefore, it may be said that the plan is in conformance with an approved TCP2.

(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).

The Planning Board found that the regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted with the current application. The PMA impacts shown on the SDP and TCP2 are consistent with those approved with Preliminary Plan 4-09003.

(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.

Conformance with the approved CDPs is discussed in Findings 8 and 9 above. The subject SDP for infrastructure proposes minimal improvements that are all located internal to the site. Additionally, the plan meets all of the previous approval's environmental conditions, and other current applicable county regulations regarding grading, drainage, erosion, and pollution will be enforced by the relative agency at the appropriate time.

- Ordinance, a SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed development of infrastructure only, including clearing, grading, streets, and pipes, is exempt from conformance with Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; 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 would have to be reevaluated for conformance with the applicable sections of the Landscape Manual.
- 13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The project is subject to the requirements of Subtitle 27 that became effective September 1, 2010 and February 1, 2012 because the CDP and preliminary plan were approved after the effective date.

The project is subject to the current requirements of Subtitle 25, Division 2, the Woodland and Wildlife Habitat Conservation Ordinance (WCO) that became effective September 1, 2010 and February 1, 2012 because the rezoning of the property from E-I-A and I-3 to R-M and L-A-C resulted in a substantial change in the amount of woodland conservation required.

a. **Tree Conservation**—This site is subject to the provisions of the WCO because the entire site has a previously approved TCP1, and a portion of the site has an approved and implemented TCP2.

The TCP2 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.69 acres of wooded floodplain. The TCP2 encompasses the land area that is included in both CDP-0901 and CDP-0902 for The Villages of Timothy Branch.

The TCP2 proposes clearing 124.11 acres of upland woodlands and 1.00 acre of wooded floodplain. The woodland conservation threshold for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the Phase 1 development proposed with the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCPII-042-97) is 85.80 acres. The plan proposes to meet the woodland conservation requirement with 48.86 acres of on-site preservation and 38.96 acres of on-site reforestation.

Because much of the site is located within a designated evaluation area of the 2005 *Approved Countywide Green Infrastructure Plan* and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also recommended. Previous conditions of approval require that the strategies contained in the 2002 Prince George's County Approved General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it must be fulfilled within the Mattawoman Creek watershed.

Prior conditions of approval require that the woodland conservation threshold for the site, plus the portion of the replacement required for clearing below the threshold, be maintained on-site. No off-site woodland conservation is proposed with the current application. Prior conditions of approval which require that woodland conservation requirements that cannot be fulfilled on-site shall be provided off-site within the Mattawoman Creek watershed will be adhered to with any future TCP2 revisions which propose off-site woodland conservation.

The TCP2 requires various technical revisions to meet the requirements of the applicable WCO which have been included as conditions in this approval.

b. **Environmental Impacts**—Nontidal wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the

primary management area (PMA) in accordance with Section 24-101(b)(22) of the Subdivision Regulations. A variation request for impacts to the PMA was submitted on August 2, 2010. Under ordinance changes effective September 1, 2010, the requirement for a variation to disturb the PMA was changed to a requirement for a statement of justification and a finding of preservation and/or restoration to the fullest extent possible. The letter previously received with the variance request was accepted as the statement of justification for the review of the PMA impacts proposed.

Eight proposed PMA impacts were evaluated with the preliminary plan. All of the requested impacts were supported as necessary for development, except for Impact 5 for construction of the noise berm along Crain Highway (US 301) because the criteria for avoidance and minimization had not been met. The location of the berm was subsequently relocated to avoid all PMA impacts per preliminary plan conditions of approval. The impacts approved were for the installation of sanitary sewer lines, construction of master-planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

The table below shows the impact areas based on Natural Resources Inventory NRI-002-07-01:

Impact No.	Type of Impact	Area of PMA Impacts	Wetland Impacts?	Evaluation of PMA impact
1	Construction of stormwater	33,761 s.f.	Yes	Impact supported and approved.
	management pipes and outfall under Mattawoman Drive			
2	Stormwater outfall and sewer line connection	7,997 s.f.	Yes	Impact supported and approved.
3	Construction of Mattawoman Drive	9,252 s.f.	Yes	Impact supported and approved.
4	Road construction of Road H	10,035 s.f.	No	Impact supported and approved
5	Construction of berm adjacent to US 301/MD 5	15, 575 s.f.	No	Impact not supported and not approved.
6	Construction of master planned hiker-biker trail and sewer line connections	18,894 s.f.	Yes	Impact supported and approved.
7	Construction of master planned hiker-biker trail and sewer line connections	11,695 s.f.	Yes	Impact supported and approved.
8	Construction of a sewer connection	5,632 s.f.	Yes	Impact supported and approved.
Total Impacts Previously Proposed		112,841 or		
		2.59 acres		
Total PMA Impacts Previously Approved		97,266 or		

The impacts proposed to the regulated environmental features with the current SDP and TCP2 are consistent with those proposed and approved with Preliminary Plan 4-09003 as

listed above. No additional impacts are proposed and the berm along US 301 has been moved out of the PMA on the site plan. The regulated environmental features on the subject property have been found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the TCP2 submitted with the current application. The PMA impacts shown on the SDP and TCP2 plan are consistent with those approved with Preliminary Plan 4-09003.

- 14. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized as follows:
 - a. **Archeological Review**—The Planning Board reviewed the following conclusions and recommendations:
 - (1) A Phase I archeological survey was completed on the subject property from March to July 2009. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded historic site, 18PR454, and one previously recorded prehistoric site, 18PR974. Five new archeological sites were delineated and included a late nineteenth or early twentieth century domestic site, 18PR991; a prehistoric site, 18PR992, likely dating to the Archaic period (7,500–1,000 BC); a mid-nineteenth century domestic site, 18PR993; a colonial period domestic occupation, 18PR994; and a mid- to late-twentieth century domestic ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

The draft Phase I report found that Sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of Site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. It was recommended that Phase II investigations be conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994. On all of these sites, close-interval shovel testing was recommended to help identify the possible locations of subsurface features and was used to guide the placement of one square meter test units. A Phase II work plan for Sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to Historic Preservation staff for review and approval on November 30, 2009.

Phase II investigations were conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of Site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 12 transects. Artifacts were concentrated in transects F to L on a piece of high ground. Nine three-square-foot test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a

late Middle Archaic (6,000–4,000 BC) or early Late Archaic (4,000–2,000 BC) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on Site 18PR992.

Phase II investigations of Site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR993.

Phase II investigations of Site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain shard and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR994.

Phase II investigations of Site18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five three-square-foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with the debris from dismantling the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late eighteenth to the first half of the nineteenth century.

In a review letter dated March 27, 2010, staff concurred with the report's conclusions and recommendations that Sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places or meet the criteria for designation as county historic sites. Staff also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant submitted four copies of the final report on June 17, 2010 and the reports were accepted by Historic Preservation staff on July 20, 2010.

(2) If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to certification.

Conditions Relating to Archeology Preservation

- (1) Prior to certification of the subject application, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts that have been recovered from the Phase I and II investigations on the subject property are deposited with the Maryland Archeological Conservation Laboratory in Calvert County, Maryland for permanent curation. Proof of disposition shall be provided to the Historic Preservation staff of The Maryland-National Capital Park and Planning Commission (M-NCPPC).
- (2) Prior to certification of the subject application, the applicant and the applicant's heirs successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission (HPC) and the M-NCPPC staff archeologist. The specific design plan shall include the timing for the installation of the signage and the implementation of public outreach measures.
- (3) The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

Discussion regarding preliminary plan conditions of approval has been incorporated into Finding 10 above. Condition (1) has been included in this approval. Condition (3) is a duplicate of a preliminary plan condition of approval and has not been included in this SDP approval, as it remains valid and applicable, without the need for duplication. Suggested Condition (2) was partially addressed through the submittal of an "Interpretive Plan" dated September 16, 2014. Further, the archeology planner coordinator, in an e-mail dated September 17, 2014, agreed that the exact sign locations and timing of the installation was best left to a subsequent SDP that involves site development beyond infrastructure. Therefore, Condition (2) has not been included in this SDP approval.

b. **Transportation Planning**—The SDP was submitted for rough grading and significant road/utility infrastructure improvement, specifically for the extension of Mattawoman

Drive. The proposed extension of Mattawoman Drive from Brandywine Road (MD 381) south into the site conforms with previous approvals. It is shown with a 120-foot-wide right-of-way in accordance with the 2013 *Approved Subregion 5 Master Plan and Section Map Amendment*.

From the standpoint of transportation, it is determined that this plan is acceptable, and that the development will be served by adequate transportation facilities within a reasonable period of time as required by the finding for a SDP as described in Section 27-528 of the Zoning Ordinance.

c. **Subdivision Review**—An analysis of the site plan's conformance with Preliminary Plan of Subdivision 4-09003 is incorporated into Finding 10 above.

Additionally, Subdivision Review provided the following:

- (1) Prior to certification of the specific design plan, the following technical corrections shall be required:
 - (a) Provide sidewalk, sidepath, and trail cross sections and details on Sheet C-15.
 - (b) Provide the square footage of dedication for US 301/MD 5 and MD 381 on the plan.

Failure of the site plan and record plat to match (including bearings, distances, and lot sizes) will result in permits being placed on hold until the plans are corrected. There are no other subdivision issues at this time.

These conditions have been included in this approval.

d. **Trails**—The SDP has been revised since the initial trails analysis to address their comments, so they no longer need to be addressed at this time. An abbreviated discussion has been included below for the record.

This proposal was reviewed for conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT), the 2009 Approved Subregion 5 Master Plan and Proposed Sectional Map Amendment (area master plan), and Preliminary Plan of Subdivision 4-09003 (PGCPB Resolution No. 10-117(A)). The following comments and recommendations are based on the approved Preliminary Plan of Subdivision.

Sidewalks and Sidepath

Condition 24(a) requires a "sidepath or sidewalk" on Brandywine Road. A public utility easement (PUE) and the approved right-of-way width are indicated along Brandywine Road (although the centerline is difficult to call out). Either a sidepath or sidewalk along

Brandywine Road should be indicted on the plan. The proposed sidepath along Brandywine Road should not overlap with the PUE, to the extent possible. The applicant should consult with the Maryland State Highway Administration (SHA) on this matter and either show the sidewalk or sidepath locations, or provide correspondence from SHA. A wide sidewalk/sidepath should be proposed because this sidewalk is in the vicinity of a possible future transitway and commercial area.

The sidewalks on A-63 Mattawoman Drive are indicated on the plan and they are labeled with the adopted widths and appear to be correctly located:

Table 1. Adopted and Proposed Sidewalk Widths

Mattawoman Drive Sidewalks	PGCPB No. 10-117(A) Adopted Width	SDP-1304 Rough Grading Plan Width
West Side	5 feet	5 feet
East Side	8 feet	8 feet

Median and Pedestrian Refuges

Condition 24(e) requires that "Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T." The locations of the median and pedestrian refuges are not indicated on the plan. The applicant should consult with DPW&T on this matter and either show the locations for future median or pedestrian refuges, or provide correspondence from DPW&T.

- e. **Environmental Planning**—An analysis of the site plan's conformance with environmentally-related conditions of approval of the Basic Plans, CDPs, and preliminary plan, is included in Findings 7, 8, 9, and 10 above as appropriate. An analysis of the site's conformance with Subtitle 25, is discussed in detail in Finding 13 above. The following is additional discussion:
 - (1) A revised approved Natural Resources Inventory (NRI-002-07/01) for the overall Villages at Timothy Branch was approved August 13, 2010. The revised NRI reflects the enlarged stream buffer widths and PMA in conformance with the environmental requirements which became effective September 1, 2010. The approved TCP1-151-90-02 reflects the revised PMA. The PMA and the regulated environmental features of the site have been correctly shown on the SDP and TCP2 in conformance with the revised NRI.
 - (2) At the time of each final plat other than for infrastructure, a conservation easement is required to be placed over the regulated environmental features. Approval of each final plat shall occur after the approval of the associated SDP and TCP2 so that the areas to be preserved and/or planted are clearly delineated.

The notes placed on the TCP1 require that woodland conservation easements be recorded in the Prince George's County Land Records for all proposed woodland conservation areas, both on-site and off-site, and that copies of the recorded easements be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, prior to grading permit issuance. It was not anticipated that a SDP for rough grading and road infrastructure, as is currently proposed, would need to move forward to the permit phase in advance of the final design for other areas of the site. Woodland conservation credits provided off-site are not required until the time of grading permit, and transferred using a transfer credit certificate in an established bank, which are recorded in the land records.

Condition 2.a. (5) of Preliminary Plan 4-09003 reads as follows:

(5) Add the following note to the standard TCP1 notes:

"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

The following condition should be adopted to clarify the process with the current application:

Prior to grading permit approval, except for grading permits issued in accordance with a Specific Design Plan for infrastructure, woodland conservation easements shall be recorded in the land records for all proposed woodland conservation areas on-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, and the Liber and Folio of the recorded easements shall be added to a note placed on the TCP2 prior to signature approval.

This condition is intended to supersede the previous condition only for the purpose of clarifying the process as proposed, considering this SDP for infrastructure.

(3) The site contains regulated environmental features that are regulated by federal and state agencies. Impacts to these features are proposed that will require federal and state permits. The applicant applied for both Maryland Department of Environment (MDE) and U.S. Army Corps of Engineers (USACOE) nontidal

wetland permits (11-NT-173/201160717), which were issued by USACOE on July 3, 2014 for road crossings, utility lines, outfalls, and culverts and obtained approval of a 3.5 acre nontidal wetland mitigation area to meet the 2.24 acres of required mitigation.

The area is already established on-site for this project by the placement of a perpetual easement (Declaration of Restrictive Covenants L. 35867 F.136) in coordination with MDE/USACOE, and is located in the northeast corner of the property. The conservation easement area is correctly delineated on the SDP and TCP2 and will be reflected on the final plat.

(4) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements.

This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site.

(5) Policies contained in the *Plan Prince George's 2035 Approved General Plan* call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

Crain Highway (US 301) is an existing source of traffic-generated noise and is a master-planned freeway. Using the Environmental Planning Section noise model, the anticipated 65 dBA Ldn noise contour would lie 690 feet from the center line of US 301. Because the closest point of development in the L-A-C-zoned portion of the site is located over 1,500 feet from US 301, there is no need to mitigate transportation-related noise impacts within the L-A-C-zoned portion of the site for US 301.

Mattawoman Drive is a master -planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. It should be noted that the Subdivision Regulations require that residential development adjacent to an arterial provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates that:

"Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

The TCP1 and preliminary plan were revised to show the unmitigated 75, 70, and 65 dBA Ldn noise contours at ground level for the portion of Mattawoman Drive north of Road N. The entire length of Mattawoman Drive north of A-55 is classified as an arterial, and unmitigated noise contours must be delineated for the entire length of Mattawoman Drive on the subject property.

The TCP1 and preliminary plan were revised to correctly show the location of all unmitigated noise contours 65 dBA Ldn or greater adjacent to roads classified as arterials or higher. The plans also showed conceptually how noise mitigation will be provided.

The comments provided on the two CDPs were extensive with regard to design considerations to address noise concerns, and were reflected in the conditions of approval for those two development applications carried forward. The preliminary plan and TCP1 were further revised to reflect the noise-related revisions required by conditions of approval.

(6) Brandywine Road (MD 381) runs along the northern boundary of the subject property and is designated as a historic road. Because MD 381 is a state road, it is not subject to the Prince George's County *Design Guidelines and Standards for Scenic and Historic Roads*, and is subject to road improvements as determined by the SHA.

SHA has adopted a policy of implementing context sensitive solutions (CSS) for transportation development, which applies to all SHA projects. CSS results from a collaborative interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety

and mobility. Prince George's County has a special interest in encouraging CSS when state roads are also county-designated scenic and historic roads.

Previous conditions of approval require that the design and implementation of any road improvements to MD 381 required by this project shall be coordinated by the SHA and include all interested stakeholders including the Environmental Planning Section, M-NCPPC. The road improvements must also seek to implement CSS as required by SHA policy. These efforts will be coordinated with the review of the first SDP beyond an SDP for infrastructure with frontage on MD 381.

These conditions have been included in this approval as applicable.

- f. **Prince George's County Fire/EMS Department**—The Fire/EMS Department, in a memorandum dated August 12, 2014, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department at the time of issuance of permits.
- g. **Department of Permitting, Inspections and Enforcement (DPIE)**—In a memorandum dated September 17, 2014, DPIE provided the following comments on the subject application:
 - (1) This site is located at the east side of Crain Highway (US 301), southeast of its intersection with Branch Avenue (MD 5), and southeast of the intersection with Brandywine Road (MD 381).
 - (2) Crain Highway (US 301) and Brandywine Road (MD 381) are state-maintained roadways; therefore, coordination with SHA is required.
 - (3) For Mattawoman Drive, provide approximately 300 feet of divided roadway south of the west circle and provide an adequate transition to the 46-foot pavement section. This revision shall be made at the time of final plan submittal to DPIE.
 - (4) An appropriate DPIE permit is required for all proposed paving, right-of-way grading, and on-site phased grading work associated with this subdivision.
 - (5) The approved Site Development Concept No. 11355-2009 dated April 25, 2012, covers six wet ponds (Permit No. 35729-2009), including modifications to the existing pond. These ponds received technical approval on April 26, 1010. Final Erosion and Sediment Control plans (SC #230-10-03-09-07) received approval on May 4, 2010 and these plans were extended through January 9, 2015. Due to these previous approvals, the portion of the site draining to these ponds is waived from environmental site design (ESD) requirements.

- (6) 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 roadway layout and exact impervious area locations are not shown on the plans. This may be provided on the final design plans.
 - (b) Exact acreage of impervious areas has not been provided. This may be provided on the final design plans.
 - (c) Proposed rough grading is shown on plans.
 - (d) Delineated drainage areas at all points of discharge from the site have not been provided. This may be provided at final design.
 - (e) Stormwater volume computations were provided with the approved stormwater technical plans.
 - (f) Erosion/sediment control plans that contain the construction sequence and any phasing necessary to limit earth disturbances and impacts to natural resources and erosion and sediment control practices are not included in the submittal and shall be included at final design.
 - (g) A narrative in accordance with the code has not been provided and shall be provided at final design.

These requirements should be noted by the applicant as they will need to be addressed with final design plan submittals to DPIE.

- h. **Prince George's County Police Department**—In a memorandum dated August 6, 2014, the Police Department indicated that they had no crime prevention through environmental design (CPTED) concerns for the subject application.
- i. **Prince George's County Health Department**—In a memorandum dated September 26, 2014, the Health Department stated that they had completed a health impact assessment review of the SDP. They provided the following summarized comments:
 - (1) The design plan addresses the removal of a White Oak tree in poor condition. Any other potential health impacts should be better addressed in future site development plans.

This should be noted by the applicant.

(2) During the process of rough grading and development of road infrastructure, ensure that any abandoned wells existing on the site are properly backfilled and sealed by a licensed well driller or witnessed by a Health Department representative; contact the Health Department at 301-883-7681 for information on the appropriate procedures. Furthermore, any wells and septic systems that are currently servicing any property must be properly protected during the demolition and/or construction phases of the site.

This should be noted by the applicant.

j. Maryland State Highway Administration (SHA)—In a memorandum dated August 18, 2014, SHA concurred with SDP approval for this project pursuant to all access being from Mattawoman Drive for rough grading and road infrastructure improvements. Any work within the SHA right-ofway would require SHA plan review, approval, and permit issuance as applicable.

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 the Type 2 Tree Conservation Plan (TCP2-068-93-01), and further APPROVED Specific Design Plan SDP-1304 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP) for infrastructure, the applicant shall:
 - a. Revise the Tree Canopy Coverage schedule so that the acreage of on-site woodland conservation matches the acreage in the Type 2 tree conservation plan (TCP2) Woodland Conservation worksheet.
 - b. Provide sidewalk, sidepath, and trail cross sections and details for Mattawoman Drive.
 - c. Provide the square footage of dedication for Mattawoman Drive and MD 381 on the plan and adjust acreages accordingly.
 - d. The SDP and Type 2 tree conservation plan (TCP2) shall be revised to show the unmitigated 75, 70, and 65 dBA noise contours impacting the subject property.
 - e. Revise the SDP to clearly label and provide details for all of the proposed pedestrian crossings and refuges within Mattawoman Drive, subject to modification by the Department of Permitting, Inspections, and Enforcement (DPIE).
 - f. Revise the Type 2 tree conservation plan (TCP2) as follows:
 - (1) The correct TCP2 number and prior approvals shall be added to the TCP approval block.

- (2) The design requirements for woodland conservation areas contained within the Woodland Conservation Technical Manual shall be adhered to. Woodland conservation areas shall be a minimum of 50 feet in width.
- (3) Woodland conservation areas shall be removed from all utility easements including public utility easements along proposed roadways.
- (4) Permanent tree protection fencing shall be provided along the vulnerable edges of all afforestation/reforestation areas.
- (5) Revise the general notes as necessary to reflect the current TCP2.
- (6) No afforestation or preservation areas are allowed within 15 feet of the toe of the embankment of a stormwater management pond.
- (7) The following note shall be added to the plan:

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

- (8) After all required revisions are made, revise the Woodland Conservation worksheet to correctly reflect the woodland conservation required and provided for the site.
- (9) Have the revised plan signed and dated by the qualified professional who prepared it.
- (10) The following variance note shall be provided on the plan sheet below 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 (Date) for the removal of one specimen tree (ST-3) (Section 25-122(b)(1)(G))."

(11) If the TCP2 proposes to credit woodland conservation within a stormwater management easement, an approved site development stormwater management plan shall be submitted which indicates that the planting areas proposed have been approved by DPIE with regard to the location, size, and plant stock proposed.

PGCPB No. 14-116 File No. SDP-1304 Page 33

- (12) The limits of disturbance and proposed grading should be revised to be outside of any woodland preservation areas. Adjust the worksheet accordingly.
- (13) Revise the plan to show and label the proposed road dedication and 40-foot scenic easement along Brandywine Road (MD 381), as appropriate.
- 2. Prior to certification of the SDP for infrastructure, the applicant and the applicant's heirs, successors, and/or assignees shall ensure that all artifacts that have been recovered from the Phase I and II investigations on the subject property are deposited with the Maryland Archeological Conservation Laboratory in Calvert County, Maryland for permanent curation; proof of disposition shall be provided to the Historic Preservation Section (M-NCPPC).
- 3. Prior to issuance of grading permits, except for grading permits issued in accordance with a specific design plan for infrastructure, woodland conservation easements shall be recorded in the Prince George's County Land Records for all proposed woodland conservation areas on-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section (M-NCPPC) for inclusion in the tree conservation plan file, and the liber and folio of the recorded easements shall be added to a note placed on the TCP2 prior to signature approval.

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, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 23, 2014, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of November 2014.

Patricia Colihan Barney Executive Director

By Jessica Jones Planning Board Administrator

PCB:JJ:JK:arj



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

September 19, 2017

Timothy Brandywine, Investments One & Two, LLC 2124 Priest Bridge Drive, Ste. 18 Crofton, MD 21114

Re: Notification of Planning Board Action on Specific Design Plan – SDP-1701 Timothy Branch, Phase I

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on **September 14**, 2017 in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **September 19, 2017** 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 communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,

Whitney Chellis, Acting Chief

Development Review Division

By:
Reviewer for J. R.

Attachment: PGCPB Resolution No. 17-119

cc: Redis C. Floyd, Clerk to the County Council

Persons of Record

14741 Governor Oden Bowie Drive

Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco File No. SDP-1701

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on September 14, 2017, regarding Specific Design Plan SDP-1701 for Timothy Branch, Phase 1, the Planning Board finds:

1. Request: The subject application is for approval of a specific design plan (SDP) for the first phase of residential development of Timothy Branch. This SDP includes 39 single-family detached, 18 single-family semidetached, 194 single-family attached (townhouses), and 72 two-family attached (two-over-two) residential units.

2. **Development Data Summary:**

	EXISTING	APPROVED
Zones	L-A-C/R-M/M-I-O	L-A-C/R-M/M-I-O
Use	Vacant	Residential
Gross Total Acreage	322.41	322.41
R-M Zone	250.15	250.15
L-A-C Zone	72.26	72.26
Gross Floor Area	0	0
Residential Units in SDP-1701	0	323
Single-Family Detached	0	39
Single-Family Semidetached	0	18
Single-Family Attached	0	194
Two-Family Attached	0	72

OTHER DEVELOPMENT DATA—PARKING

	REQUIRED	APPROVED
39 Single-family detached units	78	117*
18 Single-family semidetached units	36	54*
194 Single-family attached units	396	388**
72 Two-family attached units	147	72***
Surface parking	0	104
Clubhouse/Pool	36	36
Total	693	771

Note: *Two spaces in each garage and one in each driveway.

K. HOVNANIAN ARCHITECTURAL TYPES (BASE FINISHED FLOOR AREA)

Single-Family Detached

Callahan I	3,258 square feet			
Callahan II	3,894 square feet			
Hanover	1,803 square feet			
Lancaster	3,316 square feet			
Lexington	3,784 square feet			
Remington	2,362 square feet			
Tomasen	3,246 square feet			
Wedgewood	2,800 square feet			
Single-Family Semi-detached				
Roanoke I	2,281 square feet			
Shenandoah	1,990 square feet			
Single-Family Attached				
Adams II/III	1,667 square feet			
Stillwater I/II	2,238 square feet			
Two-Family Attached				
Dylan	2,746 square feet			
Riley	1,593 square feet			

^{**} One in each garage and one in each driveway.

^{***} One space in each garage.

- 3. **Location:** The subject property is in the middle of a larger development known as the Villages at "Timothy Branch," which is a tract of land consisting of wooded undeveloped land and open-farm land located on the eastern side of Robert S. Crain Highway (US 301), southeast of its intersections with Branch Avenue (MD 5) and Brandywine Road (MD 381), in Planning Area 85A, Council District 9.
- 4. **Surrounding Uses:** The entire Timothy Branch property consists of 322.41 acres and is bounded to the north by Brandywine Road (MD 381); to the northwest by Short Cut Road; to the east by the Timothy Branch Stream Valley; to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones; and to the west by Robert S. Crain Highway (US 301), a single commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E) located in the central northern portion of the property, which is split zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. The 72.26-acre L-A-C-zoned (Local Activity Center) portion of the property is in the northeastern corner, just south of MD 381, and the 250.15-acre, R-M-zoned (Residential Medium Development) portion is located in the south, abutting US 301. The Phase 1 included in this SDP is located in the R-M Zone.
- 5. **Previous Approvals:** Zoning Map Amendments (Basic Plans) A-9987 and A-9988 were approved by the District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and one consideration. The 2013 Approved Subregion 5 Sectional Map Amendment retained the subject property in the R-M and the L-A-C Zones.

Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion was approved by the Prince George's County Planning Board on October 7, 2010 (PGCPB Resolution No. 10-111). The Prince George's County District Council elected to review the case, which they did at a hearing on November 14, 2011 and issued an order of approval on January 23, 2012, subject to 46 conditions. Subsequently, the applicant requested a reconsideration of the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-111(A)), including 38 conditions, was adopted by the Planning Board on the same day.

Comprehensive Design Plan CDP-0902 for the R-M-zoned portion was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case, which they did at a hearing on November 14, 2011. The District Council remanded the case to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the revised approval and issued an order of approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration of the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-110(A) including 42 conditions, was adopted by the Planning Board on the same day.

PGCPB No. 17-119 File No. SDP-1701 Page 4

Preliminary Plan of Subdivision (PPS) 4-09003 covering the entire Timothy Branch project was approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117). The applicant's request for a reconsideration of this decision was granted and, on April 5, 2012, the Planning Board heard testimony regarding the reconsideration and approved PPS 4-09003 subject to the 32 conditions contained in PGCPB Resolution No. 10-117(A/1).

An SDP for infrastructure, Specific Design Plan SDP-1304, which included rough-grading, dedication and construction of Mattawoman Drive, and stormwater management pond, was approved by the Planning Board on October 23, 2014 (PGCPB Resolution No. 14-116). The current proposed site development has an approved Stormwater Management Concept Plan, 11355-2009-00, which was approved on May 9, 2017 and is valid through May 9, 2020.

6. **Design Features:** The subject SDP is for Phase 1 of the residential development of the subject property. The area of impact in this phase is in the middle eastern portion of the larger 322.41-acre property, entirely within the R-M-zoned portion. The previously approved SDP-1304 for infrastructure includes construction of the main public spine road, Mattawoman Drive, through the property, which will provide access to the residential units in this SDP. The northern pod, which was referred to as Residential Module 1 in the CDP-0902, includes 137 single-family attached and all 72 two-family attached residential units and is accessed via a single private road off of Mattawoman Drive. A network of private roads and alleys provide a looped on-site circulation. Rear-loaded two-family attached units front on Mattawoman Drive, with both front and rear-loaded townhomes provided behind the two-family units located around a central multi-age playground area.

The southern pod, which is part of the area known as Residential Module 2 on CDP-0902, includes 39 single-family detached, 18 single-family semi-detached, and 57 single-family attached (townhouse) residential units and is accessed via two public streets off of Mattawoman Drive. The rear-loaded townhouses front on Mattawoman Drive and are served by a double-loaded alley. Just east of the townhouse section is the main recreation area, including a clubhouse, pool, tot-lot, pre-teen playground, and open play area, as required by the CDP approval. East of the recreation area, the single-family detached and single-family semi-detached homes with front-load garages are arranged along curvilinear streets.

The subject application proposes multiple architectural models from K. Hovnanian for all unit types, including seven single-family detached models that range from a base square footage of 1,803 to 3,894 square feet. The two single-family semidetached models range from 1,990 to 2,281 square feet, the two single-family attached models range from 1,667 to 2,238 square feet, and the two two-family attached models range from 1,593 to 2,746 square feet. All models include multiple elevations with varied rooflines and roof types, a variety of façade options including full or partial brick, stone, and siding front façades and partial stone façades. Other features include cross gables, dormers, bay and double-bay windows, and a variety of garage configurations.

The subject application also proposes 13 freestanding signs throughout the entire Timothy Branch property along Mattawoman Drive. These freestanding monument features vary from a large eight-foot-high, curvilinear wall near the main entrance to the development at the intersection of Mattawoman Drive and Brandywine Road to an approximately 20-foot length of fence with five-foot-high brick piers at either end that includes a logo plaque. All of the signs are proposed to be made of quality materials, such as brick and stone veneer, precast stone, and composite fencing. The actual signage areas will be precast stone engraved with either "Timothy Branch" or the logo "TB." Decorative shrub and annual plantings are proposed around all of the signs, except for the fence/pier combination. The Planning Board is the approval authority for all on-site signs located on the subject site, which is located in a comprehensive design zone per Section 27-614(f)(1) of the Zoning Ordinance. The proposed signs are well-designed, with high-quality materials, and are of average size that are acceptable.

During the public hearing for this SDP on September 14, 2017, the applicant provided an additional rendering of the proposed recreational facility package that was introduced as the applicant's exhibit in the record of this case. The proposed recreational facility package is sufficient to serve the development and is acceptable.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment (Basic Plan) A-9987:** Basic Plan A-9987-C was approved by the District Council on July 11, 2008 subject to 12 conditions and one consideration. The following are applicable to the review of this SDP:

Land Use Types and Quantities:

A-9987:

Total area:

262± acres

Land in the 100-year floodplain:

19 acres

Adjusted gross area:

243 acres

Density permitted under the R-M Zone:

3.6-5.7 du/ac

Permitted Dwelling Unit Range

874.8-1385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

Conformance with these requirements was found at the time of comprehensive design plan (CDP) approval. The subject SDP proposes 323 residential units within the RM-zoned portion of land governed by A-9987. This is just the first phase of the residential development. The density proposed at this time is 1.33 dwelling unit per acre that falls well below the approved range. The subject SDP proposes one-family detached, townhouse, one-family attached, two-family attached (two-over-two) units, and recreational facilities.

Conditions

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Conformance with this condition was found at the time of CDP. A portion of the specified trail is within this phase of development and shown on the submitted SDP. The location and alignment of the stream valley trail, within proposed homeowners association property, is acceptable as shown.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Sidewalks along Mattawoman Drive were addressed with the SDP-1304 approval for the road infrastructure.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Sidewalks are shown at all appropriate locations on-site. An extensive network of trails supplements the sidewalk network.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

A revised Type II Tree Conservation Plan (TCPII-068-93-02) was submitted with the current application. The TCPII proposes to meet approximately 77 percent of the overall requirement on-site.

- 8. **Zoning Ordinance:** The subject application has been reviewed for compliance with the requirements in the R-M and M-I-O Zones of the Zoning Ordinance. Since no development is proposed within the L-A-C Zone portion of the property, exclusive of site signage, conformance with those requirements is not required at this time.
 - a. The subject application is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; and Section 27-509, Regulations, governing development in the R-M Zone.

- Military Installation Overlay Zone: A portion of the project is also located within the Noise Impact Zone (65-70 dBA noise contour) of the Military Installation Overlay Zone.
 A Phase II noise study has been submitted with the SDP that shows all interior noise levels of the residential homes will be mitigated to 45 dBA Ldn or less and there is no outdoor play area located within noise contours higher than 65 dBA Ldn.
- c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
 - (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);

The plan conforms to the requirements of Comprehensive Design Plan CDP-0902 as detailed in Finding 9 and the 2010 *Prince George's County Landscape Manual* as detailed in Finding 12 below.

Section 27-274(a)(1)(B) of the Zoning Ordinance requires an applicant to provide justification for noncompliance with any of the design guidelines for townhouses and three-family dwellings, but the subject application complies with all of the applicable design guidelines for townhouses in Section 27-274(a)(11) as follows:

(A) Open space areas, particularly areas separating the rears of buildings containing townhouses, should retain, to the extent possible, single or small groups of mature trees. In areas where trees are not proposed to be retained, the applicant shall demonstrate to the satisfaction of the Planning Board or the District Council, as applicable, that specific site conditions warrant the clearing of the area. Preservation of individual trees should take into account the viability of the trees after the development of the site.

In many areas, mature trees could not be retained on-site in open space areas between rears of townhouse buildings because this arrangement of buildings only occurs in the central, denser portion of the pods.

(B) Groups of townhouses should not be arranged on curving streets in long, linear strips. Where feasible, groups of townhouses should be at right angles to each other, and should facilitate a courtyard design. In a more urban environment, consideration should be given to fronting the units on roadways.

The plan shows a townhouse layout with units at right angles in a semi-courtyard design, with fronts on roadways throughout.

(C) Recreational facilities should be separated from dwelling units through techniques such as buffering, differences in grade, or preservation of existing trees. The rears of buildings, in particular, should be buffered from recreational facilities.

Recreational facilities are separated from dwelling units on-site with roadways, alleys, parking and proposed plantings. Sufficient separation is provided for privacy, while still integrating the facilities into the community.

(D) To convey the individuality of each unit, the design of abutting units should avoid the use of repetitive architectural elements and should employ a variety of architectural features and designs such as roofline, window and door treatments, projections, colors, and materials. In lieu of this individuality guideline, creative or innovative product design may be utilized.

Conditions have been included in this resolution regarding the application of varied roof features and avoiding the use of the same front elevation on units next to each other.

(E) To the extent feasible, the rears of townhouses should be buffered from public rights-of-way and parking lots. Each application shall include a visual mitigation plan that identifies effective buffers between the rears of townhouses abutting public rights-of-way and parking lots. Where there are no existing trees, or the retention of existing vegetation is not practicable, landscaping, berming, fencing, or a combination of these techniques may be used. Alternatively, the applicant may consider designing the rears of townhouse buildings such that they have similar features to the fronts, such as reverse gables, bay windows, shutters, or trim.

No rears of townhouses are oriented towards public rights-of-way or parking lots, except for small visitor parking areas.

(F) Attention should be given to the aesthetic appearance of the offsets of buildings.

The plan shows a two-foot offset between units in all buildings in conformance with this requirement.

The applicable regulations for townhouses set forth in Section 27-433(d) are as follows:

(1) All dwellings shall be located on record lots shown on a record plat.

The proposed lots are required to be recorded on a plat prior to issuance of permits.

dwelling units (four (4) dwelling units for one-family attached metropolitan dwellings) in any horizontal, continuous, attached group, except where the Planning Board or District Council, as applicable, determines that more than six (6) dwelling units (but not more than eight (8) dwelling units) or that one-family semidetached dwellings would create a more attractive living environment, would be more environmentally sensitive, or would otherwise achieve the purposes of this Division. In no event shall the number of building groups containing more than six (6) dwelling units exceed twenty percent (20%) of the total number of building groups, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width.

The plan conforms to these requirements as there are no more than six dwelling units in any horizontal, continuous, attached townhouse group.

(3) The minimum width of dwellings in any continuous, attached group shall be at least twenty (20) feet for townhouses, and twenty-two (22) feet for one-family attached metropolitan dwellings. Attached groups containing units all the same width and design should be avoided, and within each attached group attention should be given to the use of wider end units.

All of the proposed townhouse units are 20 or 24 feet wide and all units have a slightly different design, including various specialty windows and entry trim.

(4) The minimum gross living space, which shall include all interior space except garage and unfinished basement or attic area, shall be one thousand two hundred and fifty (1,250) square feet for townhouses, and two thousand two hundred (2,200) square feet for one-family attached metropolitan dwellings.

The minimum gross living space proposed for the townhouses is 1,667 square feet in conformance with this requirement.

(5) Side and rear walls shall be articulated with windows, recesses, chimneys, or other architectural treatments. All endwalls shall have a minimum of two (2) architectural features. Buildings on lots where endwalls are prominent (such as corner lots, lots visible from public spaces, streets, or because of topography or road curvature) shall have additional endwalls treatments consisting of architectural features in a balanced composition, or natural features which shall include brick, stone, or stucco.

All architectural elevations of endwalls include a minimum of two architectural features. A condition has been included in this resolution requiring first-story brick, stone, stucco, or other masonry treatments, combined with at least three windows, doors, or other substantial architectural features, on all highly-visible endwalls.

(6) Above-grade foundation walls shall either be cladded with finish materials compatible with the primary facade design, or shall be textured or formed to simulate a clad finished material such as brick, decorative block, or stucco. Exposed foundation walls of unclad or unfinished concrete are prohibited.

The architecture demonstrates conformance with this requirement.

(7) A minimum of sixty percent (60%) of all townhouse units in a development shall have a full front facade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco. Each building shall be deemed to have only one "front."

The SDP includes notes and a tracking chart regarding the requirement for 60 percent of the townhouse units to have a full-front façade of brick, stone or stucco.

(8) One-family attached metropolitan dwellings shall be designed with a single architecturally integrated "Front Wall." A minimum of one hundred percent (100%) of the "Front Wall", excluding garage door areas, windows, or doorways shall be constructed of high quality materials such as brick or stone and contain other distinctive architectural features.

The proposed units are not one-family attached metropolitan dwellings.

(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;

The subject project is not a regional urban community. Therefore, the requirements of this subpart are not applicable.

(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;

The Planning Board found that the area within this plan will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or with transportation facilities to be provided as a part of the subject development. The Planning Board further found that the development will be adequately serviced within a reasonable period of time by other public facilities.

(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;

The applicant has an approved stormwater management plan and final technical plan approval for the proposed ponds, which are currently under construction. Therefore, adequate provision has been made for draining surface water, with no adverse effects.

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

The Planning Board approved Type II Tree Conservation Plan TCPII-068-93-02, subject to conditions. Those conditions have been included in this resolution. Therefore, the plan is in conformance with an approved TCPII.

(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).

The Planning Board found that 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 TCPII submitted with the current application. The primary management area (PMA) impacts shown on the SDP and TCPII plan are consistent with those previously approved with PPS 4-09003.

- 9. Comprehensive Design Plan CDP-0902: Comprehensive Design Plan CDP-0902, for the R-M-zoned portion of the subject property, was originally approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). It was then remanded by the District Council to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council elected to review the remand, and issued an order affirming the Planning Board's approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration to the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution, including 42 conditions, was adopted by the Planning Board on March 19, 2015 (PGCPB Resolution No. 10-110(A)). The conditions of approval are applicable to the review of the subject SDP and warrant discussion as follows:
 - 1. All conditions of approval of Basic Plan A-9987 shall remain in full force and effect.

Review of applicable Basic Plan (A-9887) conditions of approval as discussed in Finding 7 above, leading to a determination of conformance.

2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

This condition sets an overall trip cap for the whole of the Villages at Timothy Branch (covered by CDP-0901 and CDP-0902). The trip cap was based, in part, on 1,200 residences. A table is provided in finding below regarding trip generation; nevertheless, the current plan complies with this condition.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

The applicant is requesting a modification of this development standard for the 72 two-family attached units located on Parcels 1–6 in Block C. In accordance with Condition 5 of Comprehensive Design Plan CDP-0902, modification of the standards is permitted on a lot-by-lot basis at the time of SDP. The applicant contends that a 26-foot building restriction line (BRL) from the ultimate right-of-way of Mattawoman Drive, an arterial roadway, will still adequately buffer the dwellings from the roadway. The applicant submitted a Phase II noise study that concluded that interior noise levels will be mitigated by utilizing building materials to levels below the required 45 dBA and that there are no outdoor activity areas be affected by noise levels of 65 dBA.

In order to mitigate the impacts that may result from the existing street lights along Mattawoman Drive, the applicant is proposing to install light diffusers or shields to deflect the light away from the residential units, subject to the approval of the appropriate operating agency. In addition, major shade trees are proposed to be planted 22 feet on center along the front of the residential units that will create a canopy and further shield the residential units from the street lights.

To mitigate the impacts that may result from any air pollution and particulates related to the roadway, the applicant is proposing to strategically plant landscape materials at specific locations along the property frontage of Mattawoman Drive. As mentioned previously, major shade trees are proposed to be planted 22 feet on center, the grouping of which is designed to provide a protective canopy for the residential units along Mattawoman Drive. Proposed ornamental trees will provide additional screening of the residential units from air particulates. On the front of the parcels, the applicant is proposing a hedge of shrubs to be planted 3.5 feet on center to further mitigate any potential impacts that may result from air pollution.

The Planning Board decided that the combination of the 26-foot setback, light shields, and landscaping will be sufficient to adequately buffer the dwellings in Block C from the roadway.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be

determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

The subject application does not propose any residential units of any type within 200 feet of the ultimate right-of-way of US 301. Therefore, this condition is not applicable at this time.

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.

The subject SDP does not include development around the site where the potential access connection was to be located.

c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES-R-M ZONE1

	One-family detached	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq. ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50^{4}
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD^{10}	TBD ¹⁰	TBD ¹⁰	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

ACCESSORY BUILDINGS—R-M ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet

Note: No accessory building shall be located closer to the street line than the main building.

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

⁴This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

The SDP includes the above charts demonstrating conformance with this condition. As allowed, the applicant has requested three modifications to the standards as follows:

- Reduce the minimum building setback from Mattawoman Drive for two-family attached units to 26 feet in Block C. The justification for this modification is discussed further in response to Condition 3 above. The Planning Board approved this modification.
- Reduce the minimum side setback to eight feet, with a 17-foot total for both sides, for all single-family detached and single-family semi-detached units within Blocks D, G and H. The applicant justifies this modification based on the environmental constraints and the fact that the proposed side yard setback is consistent with several conventional residential zones. The Planning Board concurs and approved this modification.
- Reduce the minimum side setback to street to 20 feet for Lot 1 Block G, and Lots 1, 6, 8, and 13, Block H. The applicant justifies this modification as it will bring the side setback to a street in alignment with the front setbacks of the adjoining single-family semi-detached lots to create a more consistent street pattern. The Planning Board concurs and approved this modification.
 - d. A note shall be added to the plans and the comprehensive design plan document shall be revised to include a note stating that the requirements of Section 4.7 of the Prince George's County Landscape Manual shall be used as a starting point or minimum for the provision of an adequate separation between incompatible uses, at the perimeter of the site. The requirement may be increased as necessary so as to ensure compatibility between incompatible uses at the time of approval of the specific design plan.

The subject SDP only proposes residential units in a pattern that does not require Section 4.7 buffers internally. The requirements of Section 4.7 are being provided along the exterior edges of the entire Timothy Branch property adjacent to the area of impact at this time.

- e. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP to demonstrate conformance with this requirement.

(2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.

Notes are provided on the SDP to demonstrate conformance with this requirement. However, the single-family semidetached architecture does not provide options showing the ability to have a front or side elevation faced with up to 60 percent masonry materials. Therefore, a condition is included in this resolution requiring this to be added.

(3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality as long as the buildings are within 100 feet of the Mattawoman Drive right-of-way.

Notes are provided on the SDP to demonstrate conformance with this requirement.

(4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.

Notes are provided on the SDP to demonstrate conformance with this requirement.

(5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.

The SDP shall demonstrate conformance with this requirement prior to certification.

(6) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive and those that are determined at SDP to have highly visible corner facades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.

No multifamily buildings are proposed with this SDP.

(7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP to demonstrate conformance with this requirement.

(8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.

All residential endwalls show a minimum of two architectural features. A condition has been included in this resolution regarding additional architectural features for highly-visible endwalls.

(9) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

No trash dumpsters are proposed with this SDP.

7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.

The SDP-1304 approval for infrastructure, including stormwater management, addressed this condition.

8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The TCPII proposes to meet 79.39 acres of the overall 103.26-acre requirement on-site. The submitted plan proposes off-site as part of Phase 2, which is not proposed for development at this time. Because no development is proposed in Phase 2, the existing woodland in that phase should

be shown and counted as preservation until an application for development of Phase 2 is reviewed and approved. The Planning Board did not support a woodland conservation easement for Phase 2 as part of this application. The final easement for Phase 2 will be addressed with the application for Phase 2. Any off-site woodland conservation requirement as part of that phase will be evaluated prior to issuance of the first grading permit.

12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

A non-tidal wetland mitigation area of 3.5 acres was previously protected on the site as required. This was 1.26 acres more than the wetlands mitigation permitting requirement. The MDE tracking number is 11-NT-0173 and the USACOE permit number is 2011-60707, A1 number 134217. No additional impacts are proposed with this SDP.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

This condition was addressed with Specific Design Plan SDP-1304 and Type II Tree Conservation Plan TCPII-068-93.

14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation regarding the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

The proposed stormwater management for the site received final technical approval. The approval by the Department of Permitting, Inspections and Enforcement was in coordination with the Department of Public Works and Transportation (DPW&T), who provided written approval of woodland planting within the stormwater management easement. The technical plan shows woodland planting within the easements of ponds 1, 2A and 4.

16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

Conformance with the TCC requirements is discussed in the finding below, where a finding of conformance is made.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

A Phase II noise study was submitted for review with this SDP. It identified one single-family detached lot (Lot 28, Block D), which requires noise mitigation for traffic noise generated by Mattawoman Drive. This is addressed in the submitted Phase II noise study with the current application and discussed further in the finding below.

18. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

A condition has been included in this resolution requiring the provision of this information prior to issuance of building permits for the impacted lots.

- 19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:
 - "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The subject application includes a detail of a lighting fixture that demonstrates the use of full cut-off optics. However, the submittal did not include a photometric plan showing proposed light levels. Therefore, a condition is included in this resolution requiring this be submitted for review prior to certification.

*[21]20. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in

Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex.

The subject application proposes only 323-residential dwelling units, which is less than 50 percent of the total 1,200 units proposed within CDP-0901 and CDP-0902.

*[28]21. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*.

The proposed private recreational facilities have been reviewed and are found to be adequate in accordance with previous approvals and the *Park and Recreation Facilities Guidelines*.

*[29]22. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

The proposed private recreational facilities have been reviewed and are found to be adequate and properly sited in accordance with previous approvals and the *Park and Recreation Facilities* Guidelines.

*[31]24. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES					
FACILITY	BOND	FINISH CONSTRUCTION			
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit			
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit			
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit			
Min. 4,200-square-foot Community building and 25-meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit			
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit			
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit			
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit			
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod Development			

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

The subject SDP includes development within RM1 and RM2 as listed in this condition. Within RM-1 portion, SDP proposes an approximately 7,700-square-foot multiage playground in conformance with this condition. Within the RM-2 portion, SDP proposes a 4,200-square-foot community building with a 25-meter swimming pool, as well as an approximately 2,700-square-foot tot-lot and an approximately 5,200-square-foot pre-teen playground in conformance with this condition. The portions of the Timothy Branch Stream Valley Trail adjacent to these pods are also shown as required. The timing for bonds and completion of construction from this condition remains valid and will be enforced at the time of permitting.

*[33]26. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

All facilities are located on property that is to be owned and maintained by a future homeowners association.

Provide an eight-foot-wide, concrete hiker/biker trail on the east side of *[34]27. Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

The plans reflect the necessary sidepath along the site's entire frontage of Mattawoman Drive. Internal sidewalks are shown at appropriate locations on-site.

*[35]28. At the time of SDP, the plans shall identify the location of median refuge islands along the entire length of Mattawoman Drive per DPW&T standards and with AASHTO guidance. The exact locations and details and specifications will be determined at the time of SDP.

The median is included on the SDP as previously approved.

*[36]29. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).

Sidewalks are shown at all appropriate locations. An extensive network of trails supplements the sidewalk network.

*[37]30. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.

*[38]31. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.

A cross section is provided for the equestrian portion of the trail. An additional cross section or revised overall cross section is also needed for the paved portion of the trail. The cross section should reflect both the paved (hiker/biker) and unpaved (equestrian) elements of the trail along Timothy Branch.

*[39]32. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential dwellings, excluding where trails connect with the internal road network, unless environmental constraints/impacts exist that make this impractical. The final trail location shall be reviewed at the time of SDP.

The trail alignment meets this condition, except for locations where the trail connects to an internal road.

*[40]33. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

The location and alignment of the stream valley trail, within the proposed homeowner's association property, is acceptable as shown.

*[41]34. Any trail connectors on homeowners' association land to the Timothy Branch trail, if required, shall be six feet wide and asphalt.

Proposed trail connectors on homeowners association property are shown as six feet wide and asphalt.

*[42]35. Provide details of the way finding and trail signage in accordance with AASHTO guidance at the time of specific design plan review including the location of signage. This signage can be tailored to the development and provide way finding to the commercial areas or nearby destinations. At a minimum, way-finding signage should indicate the direction of the Brandywine Area Community Park to the north of the subject site and the Rose Creek Connector trail to the south of the site.

The submitted SDP does not provide signage for way finding and trails. The Planning Board believed that signage to the community park may not be appropriate at this time as the park has not yet been constructed and signage to the Rose Creek Trail may not be appropriate until pedestrian accommodations have been provided at the intersection of US 301. Therefore, the Planning Board decided to address trail signage in future SDPs, as the development on this property and the surroundings are more fully implemented.

*[43]36. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the community buildings. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.

No commercial buildings are proposed in this phase of development and bicycle parking is provided at all active recreational facilities proposed in this phase of development.

- *[45]38. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

The applicant submitted a phasing plan for the transportation improvements that includes the following discussion:

The improvements in parts (a), (b), and (d) will be constructed subject to the timing of Brandywine Road Club fees, and based on the wording of Condition 20, states that these items will only be constructed when sufficient funding is available for engineering, design, and construction of said improvements.

The improvements in part (c) are subject to warrants being met at the MD 381/ Mattawoman Drive intersection. The Maryland State Highway Administration has determined that a new traffic signal warrant analysis should be conducted prior to issuance of the 325th building permit or upon full funding and permitting of the full Mattawoman Drive connection from Brandywine Road to Matapeake Business Drive, so the State can determine if the warrants are satisfied and decide on when the traffic signal should be installed. This language, requiring a revised traffic signal warrant study, shall be duly considered as a finding for consideration in subsequent SDPs when the 325th building threshold will be met or when the roadway connection is funded and permitted.

*[46]39.

The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine ,Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family detached unit, a fee calculated as \$1,306 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as \$886 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of issuance of building permits. Prior to issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.

- i. Construction of an interchange around US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange around MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

This condition requires payment to the Brandywine Road Club. This project's participation in the Brandywine Road Club was further confirmed by the recent adoption of County Council Resolution CR-9-2017, and that resolution elevated the construction of Mattawoman Drive through the subject property to the top of the priority list. Pro-rata payments shall be required in accordance with this condition at the time of each building permit.

*[48]41. At the time of SDP review, the applicant may redesign Residential Module 3 to reduce the block perimeter and to increase the pedestrian and vehicular circulation. The housing types within and around these blocks should be reconsidered to facilitate rear loading townhouses.

The subject SDP proposes development only within Residential Modules 1 and 2. Therefore, this condition is not applicable to this SDP.

*[49]42. At the time of SDP review, the applicant may redesign Residential Module 5 to reconfigure the multifamily units to provide a central recreation or open space.

The subject SDP proposes development only within Residential Modules 1 and 2. Therefore, this condition is not applicable to this SDP.

- 10. **Preliminary Plan of Subdivision 4-09003:** The relevant Preliminary Plan of Subdivision, 4-09003, was originally approved by the Planning Board on October 28, 2010. Subsequently, the applicant requested a reconsideration, which the Planning Board heard and approved the PPS on April 5, 2012 (PGCPB Resolution No. 10-117(A/1)), subject to 32 conditions. The following conditions warrant discussion in relation to the subject SDP:
 - 3. Prior to approval of the SDP, the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.

The SDP and TCPII do not show the delineation of unmitigated 75 dBA Ldn noise contours related to US 301/MD 5 or Mattawoman Drive necessary to evaluate conformance with this condition. Based on a review of the location of the unmitigated 75 dBA Ldn contour on the approved TCPI, no lots are proposed along US 301/MD5 for this application. Lots are proposed along Mattawoman Drive; however, the location of the 75 dBA Ldn is not visible on the approved TCPI, and not shown on neither TCPII nor SDP. Therefore, a condition has been included in this resolution requiring the delineation of the contour on the TCPII and SDP.

6. Prior to approval of the first SDP, a proposed stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

This condition has been addressed as discussed in the finding relative to Condition 11 of Comprehensive Design Plan CDP-0902. The SDP and TCPII under review do not show the location of the mitigation area on-site, which will need to be compared with the final stormwater technical approval. Therefore, a condition has been included in this resolution requiring the delineation of the nontidal wetland mitigation easement and addition of appropriate notes to the plan.

7. At the time of the first SDP submittal, the submission package shall include a proposed site development for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.

The Specific Design Plan SDP-1304 approval for infrastructure, including stormwater management, addressed this condition.

8. Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T regarding the location, size, and plant stocking proposed.

This condition is addressed in the finding under discussion of Condition 14 of CDP-0902.

- 9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior for residential units throughout the site.
- 10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.

A Phase II noise study was submitted for review with this SDP. It identified one single-family detached lot (Lot 28, Block D) which requires mitigation for transportation noise related to Mattawan Drive. This is addressed in the submitted Phase II noise study submitted with the current application is discussed further in Finding 15(i) below.

11. Applications for building permits for lots and structures identified on the SDP requiring noise mitigation measures shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for residential units.

A condition has been included in this resolution requiring the provision of this information prior to issuance of building permits for impacted lots.

†[21]14. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by M-NCPPC for adequacy and proper siting at the time of specific design plan.

The proposed private recreational facilities have been reviewed and are found to be adequate and properly sited in accordance with previous approvals and the *Park and Recreation Facilities Guidelines*.

†[23]16. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by DRD, in accordance with the timing established in each SDP.

The timing for construction of the private recreational facilities was determined with the approved CDPs and has been carried forward as part of this SDP approval.

- †[24]17. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.

Brandywine Road is beyond the limits of the current phase of development. Improvements along the road are addressed via previous approvals and will be covered under the future SDP for that portion of the site.

b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.

No commercial buildings are proposed in this phase of development.

- c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.

The plans reflect the necessary sidepath, sidewalk and medians along Mattawoman Drive, in conformance with these conditions and previous approvals.

f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.

Sidewalks are shown at all appropriate locations on-site. An extensive network of trails supplements the sidewalk network.

- g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
- h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.

A cross section is provided for the equestrian portion of the trail. An additional cross section or revised overall cross section is also needed for the paved portion of the trail. The cross section should reflect both the paved (hiker/biker) and unpaved (equestrian) elements of the trail along Timothy Branch.

i. The eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots.

The location and alignment of the stream valley trail, within proposed homeowners association property, is acceptable as shown.

j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.

No commercial buildings are proposed in this phase of development and bicycle parking is provided at all active recreational facilities proposed in this phase of development.

k. Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.

Construction timing will be enforced at the time of permitting.

I. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.

No bus stops are currently located on or adjacent to the subject site. Future transit improvements may be appropriate on-site if the planned light rail/bus rapid transit is implemented in the corridor.

†[26]19.

The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upon a comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.

- a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
- b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
- d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

The applicant has submitted a phasing plan for the transportation improvements that includes the following discussion:

The improvements in parts (a), (b), and (d) will be constructed subject to the timing of Brandywine Road Club fees, and based on the wording of Condition 20 below that these items will only be constructed when sufficient funding is available for engineering, design, and construction of said improvements.

The improvements in part (c) are subject to warrants being met at the MD 381/ Mattawoman Drive intersection. The Maryland State Highway Administration has determined that a new traffic signal warrant analysis should be conducted prior to issuance of the 325th building permit or upon full funding and permitting of the full Mattawoman Drive connection from Brandywine Road to Matapeake Business Drive, so the State can determine if the warrants are satisfied and decide on when the traffic signal should be installed. This language, requiring a revised traffic signal warrant study, should be duly considered as a finding for consideration in subsequent SDPs when the 325th building threshold will be met or when the roadway connection is funded and permitted.

 $\dagger [\frac{27}{20}]$

The applicant and the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward construction of these off-site transportation improvements shall be payment of the following:

For each non-residential unit, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family unit, a fee calculated as \$1,306 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multifamily unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of the issuance of building permits. Prior to the issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- b. Installing a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Making minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstructing the traffic signal at US 301/MD 381.
- f. Installing a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Providing a grade separation at the point the spine road crosses US 301 northeast of T.B.
- h. Reconstructing the traffic signal at MD 5/Brandywine Road.

- i. Construction of an interchange around US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange around MD 5 and A-63, north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- l. Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

This condition requires payment to the Brandywine Road Club. This project's participation in the Brandywine Road Club was further confirmed by the recent adoption of County Council Resolution CR-9-2017, and that resolution elevated the construction of Mattawoman Drive through the subject property to the top of the priority list. Pro-rata payments should be required in accordance with this condition at the time of each building permit.

†[28]21. Total development of the overall site shall be limited to uses that would generate no more than 1,269 AM and 1,775 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

This condition sets an overall trip cap for the entire Villages at Timothy Branch (covered by CDP-0901 and CDP-0902). The trip cap was based, in part, on 1,200 residences. A table is provided in the finding below regarding trip generation; nevertheless, the current plan complies with this condition.

- †[30]22. All appropriate specific design plans shall limit access to A-63 as follows:
 - a. Any public or private streets shown on the approved preliminary plan.
 - b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.

c. A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.

The A-63 facility is Mattawoman Drive and the access points shown on the SDP are in conformance with this condition.

†[32]24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.

The applicant submitted four copies of the final report on June 17, 2010 and the reports were accepted by the Historic Preservation Section on July 20, 2010. The applicant provided documentation that the artifacts have been curated at the Maryland Archaeological Conservation Lab in November 2011. This condition has been satisfied.

†[33]25. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

In 2014, the applicant submitted a plan for two interpretive signs discussing the prehistoric and historic occupation of the subject property. The wording of the signage was reviewed and approved by the Historic Preservation Section. The applicant proposes to place the interpretive signage in the lobby of the clubhouse. This is an appropriate location of the signage, as this will be a place within the development that will be frequently visited by both the residents and guests. The interpretive signage should be installed prior to issuance of the use and occupancy permit for the clubhouse.

†[34]26. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. The National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.

The applicant should continue to coordinate with the Historic Preservation Section on any archeological review required by the State and federal agencies.

†[35]27. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

Review of applicable basic plan conditions of approval is discussed in Finding 7 above. The Planning Board determined that the SDP is in conformance with the basic plan.

†[37]29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.

The submitted SDP provides tracking charts and notes with an inventory of total proposed development in this phase.

†[38]30. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

This requirement shall be noted on the architectural sheet set.

†[40]32. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.

The applicant has worked with the Historic Preservation Section as required, and the proposed street names generally reflect the history of the property, the adjacent Brandywine community, and its associated families.

- 11. **Specific Design Plan SDP-1304:** Specific Design Plan SDP-1304 for infrastructure only, including rough grading, construction of a stormwater management pond, and dedication and construction of Mattawoman Drive, was approved by the Planning Board on October 23, 2014 (PGCPB Resolution No. 14-116), subject to three conditions. None of those conditions are applicable to this SDP.
- 12. **Prince George's County Landscape Manual:** Per Section 27-528(a)(1) of the Zoning Ordinance, a SDP must conform to the applicable standards of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The proposed residential units in the R-M Zone are

subject to Section 4.1, Residential Requirements; Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot 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.

- a. Section 4.1, Residential Requirements—Section 4.1 requires a certain number of plants for different types of residential lots. The submitted SDP provides the correct schedules showing the requirements being met for all the residential lots.
- b. Section 4.2, Requirements for Landscape Strips Along Streets—About the subject application, Section 4.2 requires a landscape strip where a parking lot abuts public street, such as those around the clubhouse. The submitted SDP provides the correct schedule showing the requirements being met.
- c. Section 4.3, Parking Lot Requirements—Section 4.3 requires a percentage of the parking lots that are over 7,000 square feet in size to provide interior planting area. This occurs in one area of visitor parking within Block 'C' and in the two parking compounds adjacent to the clubhouse. The submitted SDP provides the correct schedule showing the requirements being met.
- d. Section 4.6, Buffering Development from Streets—Section 4.6 requires that, when rear yards of single-family detached or attached dwellings are oriented toward a street, a buffer area should be provided between the yard and the street. On the subject application, which includes multiple single-family detached lots with rear yards fronting on a street. Appropriate landscape schedules are provided on the plan. However, no schedules were provided for the affected townhouse lots within Block 'E.' Therefore, a condition requiring this revision has been included in this resolution.
- e. **Section 4.7, Buffering Incompatible Uses**—The subject application requires a buffer along the property line around the eastern edge of the larger Timothy Branch property. The landscape plan provides the correct schedules showing the requirements being met as the existing stream valley provides for the setback and buffer requirements along that edge.
- f. Section 4.9, Sustainable Landscaping Requirements—Section 4.9 requires that a certain percentage of plants within each plant type (including shade trees, ornamental trees, evergreen trees, and shrubs) be native species (or the cultivars of native species). The minimum percentage of plants of each plant type required to be native species and/or cultivars is specified below:

Shade trees 50 percent
Ornamental trees 50 percent
Evergreen trees 30 percent
Shrubs 30 percent

The landscape plan provides 59 percent native shade trees, 100 percent native ornamental trees, 75 percent native evergreen trees, and 72 percent native shrubs, and therefore, meets the above requirements.

g. Section 4.10, Street Trees Along Private Streets—Section 4.10 provides specifications for the planting of street trees along private streets, which apply to the townhouse portions of the subject development. The submitted landscape plan provides the required schedules showing some of the requirements of this section not being met. The applicant filed a request for Alternative Compliance, AC-17007, from the requirements of Section 4.10, Street Trees Along Private Streets, as follows:

The applicant has filed this request for Alternative Compliance from Section 4.10, Street Trees Along Private Streets, to allow an alternative configuration from the requirement in Section 4.10(c)(1) that states that "Street Trees shall be located in a space not less than five (5) feet wide between the street curb or edge of planting and the sidewalk." Instead, the applicant requests to use an alternate sidewalk and green space configuration along the proposed private streets serving the townhouses within the site that would place the sidewalk along the street curb and the green space behind the sidewalk.

REQUIRED: 4.10 Street Trees Along Private Streets, along Graham Patrick Avenue

Length of street frontage 381 feet
Street trees (1 per 35 linear feet) 12

PROVIDED: 4. 10 Street Trees Along Private Streets, along Graham Patrick Avenue

Length of street frontage 381 feet
Street trees (1 per 35 linear feet) 14

REQUIRED: 4.10 Street Trees Along Private Streets, along Grace Kellen Avenue

Length of street frontage 488 feet
Street trees (1 per 35 linear feet) 15

PROVIDED: 4. 10 Street Trees Along Private Streets, along Grace Kellen Avenue

Length of street frontage 488 feet
Street trees (1 per 35 linear feet) 22

REQUIRED: 4.10 Street Trees Along Private Streets, along Hunt's Farm Road

Length of street frontage

664 feet

Street trees (1 per 35 linear feet)

19

PROVIDED: 4. 10 Street Trees Along Private Streets, along Hunt's Farm Road

Length of street frontage

664 feet

Street trees (1 per 35 linear feet)

27

REQUIRED: 4.10 Street Trees Along Private Streets, along Lord Stirling Lane

Length of street frontage

176 feet

Street trees (1 per 35 linear feet)

6

PROVIDED: 4. 10 Street Trees Along Private Streets, along Lord Stirling Lane

Length of street frontage

176 feet

Street trees (1 per 35 linear feet)

8

Total number of street trees provided for the entire Subdivision

REQUIRED: 4.10 Street Trees Along Private Streets

Length of street frontage

1,709 feet

Street trees (1 per 35 linear feet)

52

PROVIDED: 4. 10 Street Trees Along Private Streets

Length of street frontage

1,709 feet

Street trees (1 per 35 linear feet)

71

(136 percent of required amount)

Justification of Recommendation

The applicant is requesting Alternative Compliance from Section 4.10, Street Trees Along Private Streets, along all private roads on the site for the location of the proposed street trees. The 2010 *Prince George's County Landscape Manual* requires that street trees be located in a space not less than five feet in width between the curb and the sidewalk in order to subdivide the streetscape, increasing pedestrian comfort and, create sufficient room for canopy growth. In some areas of the site, the relocation of the sidewalk to the curb is due to a matter of simply not having enough space. In other areas, the site plan should be amended to relocate the sidewalk to provide for the required location for street

trees, where spacing permits for instance in areas where there are no driveways or on-street parking. The applicant is proposing to exceed the required number of street trees on the project overall by 36 percent. The Planning Director finds the proposed alternative compliance measures to be equally effective as normal compliance with Section 4.10 of the Landscape Manual Along Private Streets in Timothy Branch.

The Planning Board approved Alternative Compliance for Section 4.10, along Graham Patrick Avenue, Grace Kellen Avenue, Hunt's Farm Road, and Lord Stirling Lane of the 2010 Prince George's County Landscape Manual, for Timothy Branch, Specific Design Plan SDP 1701, subject to one condition, which has been included in this resolution.

- 13. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the entire site has a previously approved Type I tree conservation plan and a portion of the site has an approved and implemented TCPII. Additionally, a revised TCPII prepared in accordance with the current woodland conservation requirements has been submitted with this application.
 - a. Tree Conservation—The TCPII covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.69 acres of wooded floodplain. The TCPII shows two phases of development. Phase 1 is 320 acres and Phase 2 is 13.63 acres. The current application is for the development of an area in Phase 1. No development is proposed in Phase 2 with this application, but clearing is proposed. Phase 1 includes the subject application area and proposes to clear 124.11 acres of upland woodlands and 1.00 acre of wooded floodplain. An additional 13.64 acres of clearing is proposed in Phase 2 for future development.

The woodland conservation threshold on this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement is 103.26 acres (89.42 in the Phase 1 and 13.84 in Phase 2). The plan proposes to meet the woodland conservation requirement in Phase 1 with 33.44 acres of on-site preservation, 44.22 acres of on-site afforestation/reforestation and 1.73 acres of off-site credit being provided on the site. The worksheet proposes to meet the remainder of the requirement with off-site credits as part of Phase 2.

Several revisions are required. The worksheet shows the clearing of 13.84 acres of woodland in an area of 13.63 acres of land. Woodland acreage cannot exceed land acreage. The worksheet needs to be revised to show the correct acreage and/or clearing. Type II Tree Conservation Plan TCPII-068-93-02 as submitted shows the overall area on the cover sheet, but does not include detail sheets for the overall area of the Timothy Branch development as previously approved. The TCPII must be revised to include detail sheets for the entire area of the development (Phase 1 and 2) because the woodland conservation requirement is distributed over the entire site.

The TCPII requires various technical revisions to meet the requirements of the applicable WCO that have been included as conditions in this resolution.

b. **Environmental Impacts**—The site contains regulated environmental features. Nontidal wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) in accordance with Section 24-101(b)(22) of the Subdivision Regulations. A statement of justification for impacts to the PMA was reviewed with the associated PPS 4-09003.

Eight proposed PMA impacts were evaluated with the PPS. All of the requested impacts were supported by the Environmental Planning Section as necessary for development, except for Impact 5 for construction of the noise berm along US 301 because the criteria for avoidance and minimization had not been met. The location of the berm was subsequently relocated to avoid all PMA impacts per PPS conditions of approval. The impacts approved were for the installation of sanitary sewer lines, construction of master planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

Impacts proposed to the regulated environmental features with the current SDP and TCPII are consistent with those proposed and approved with PPS 4-09003, and no additional impacts are proposed under the current application.

- 14. **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 (TCC) on projects that require a building or grading permit for 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned L-A-C and R-M are required to provide a minimum of 10 and 15 percent, respectively, of the gross tract area in tree canopy. The subject property is 322.41 acres in size, resulting in a blended TCC requirement of 44.75 acres. A TCC schedule was provided showing that the requirement is being met on-site by existing woodland preservation and reforestation, in addition to the proposed plantings.
- 15. **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. **Archeological Review/Historic Preservation**—The Planning Board made the following findings:
 - (1) A Phase I archeological survey was completed on the subject property from March to July 2009. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded historic archeological site, 18PR454, and one previously recorded prehistoric site, 18PR974. Five new archeological sites were delineated and included a late

nineteenth or early twentieth century domestic site, 18PR991; a prehistoric site, 18PR992, likely dating to the Archaic period (7,500-1,000 BC); a mid-nineteenth century domestic site, 18PR993; a colonial period domestic occupation, 18PR994; and a mid- to late-twentieth century domestic ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

The Planning Board concurred with the recommendation of the draft Phase I report that Sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of Site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. The Planning Board required that Phase II investigations be conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994. On these sites, close-interval shovel testing was recommended to help identify the possible locations of subsurface features and was used to guide the placement of 1-x-1 meter test units. A Phase II work plan for Sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to the Historic Preservation Section for review and approval on November 30, 2009.

Phase II investigations were conducted on Sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of Site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 12 transects. Artifacts were concentrated in transects F to L on a piece of high ground. Nine 3-x-3-foot test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a late Middle Archaic (6,000–4,000 B.C.) or early Late Archaic (4,000–2,000 B.C.) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on Site 18PR992.

Phase II investigation of Site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR993.

Phase II investigations of Site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain shard and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on Site 18PR994.

Phase II investigations of Site18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five 3-x-3-foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with the debris from dismantling the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late 18th to the first half of the 19th century.

In a review letter dated March 27, 2010, the Planning Board concurred with the report's conclusions and recommendations that Sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places or meet the criteria for designation as county historic sites. The Planning Board also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant submitted four copies of the final report on June 17, 2010 and the reports were accepted by the Historic Preservation Section on July 20, 2010. All artifacts recovered from the Phase I and II excavations were curated with the Maryland Archaeological Conservation Lab in Calvert County in November 2011.

(2) If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to consider the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to the Historic Preservation Section that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to certification of this SDP.

The Planning Board approved Specific Design Plan SDP-1701 with the following condition:

• Prior to issuance of the first use and occupancy permit for the clubhouse, the applicant shall install the two interpretive signs detailing the findings of the Phase I and II archeological surveys and provide proof of its installation to the Historic Preservation Section.

b. **Community Planning**—The Planning Board made the following findings:

The subject property is located within the Established Communities growth policy area designated in *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035). Plan Prince George's 2035 classifies the Established Communities as "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 and schools), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met." (page 20)

Pursuant to Part 8, Division 4, Subdivision 2 of the Zoning Ordinance, Master Plan conformance is not required for this application. The 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment (Subregion 5 Master Plan and SMA) recommends mixed-use land uses on the subject property. In addition, the Subregion 5 Master Plan and SMA also makes recommendations that affect the subject property, which is part of the designated Brandywine Community Center. The previous PPS evaluated the development's conformance with the master plan recommendations for the center.

This application is partially located within the 65–70 dBA Ldn noise contour in the Joint Base Andrews Military Installation Overlay (M-I-O) Zone. Section 27-548.55(b) of the Zoning Ordinance requires the interiors of all new residential construction within the Noise Intensity Contours, including additions, must be certified to 45 dBA Ldn or less by an Acoustical Engineer or qualified professional of competent expertise.

c. **Transportation Planning**—The Planning Board analyzed the SDP's conformance with transportation-related conditions in previous approvals, which is incorporated into Findings 7, 9, and 10 above, as well as the following summarized discussion:

The site is in the L-A-C and R-M Zones. The SDP is a requirement for all development in comprehensive design zones. The review focuses on conformity to the approved Comprehensive Design Plans CDP-0901 and CDP-0902. In addition to reviewing the plan against the prior approved plans, attention is given to building and landscape design, drainage, conformity with prior tree conservation plans and landscape standards, and other environmental factors. Additionally, there is a requirement that the development be adequately served within a reasonable period of time with existing or programmed public facilities, or facilities otherwise provided as part of the development. The underlying subdivision is PPS 4-09003, and this plan will be compared against that plan for conformity to trip caps and other conditions as well. There is a prior SDP for infrastructure, Specific Design Plan SDP-1304. That plan has no transportation-related conditions.

As noted above, the plan proposes 323 residences, including 39 single-family detached, 212 townhouses/duplexes, and 72 two-over-two residences (the two-over-two residences are considered a townhouse type for purposes of trip generation).

The following table summarizes trip generation for the current proposal (and any past approved proposals) for comparison to the approved trip cap. It is determined, as noted above, that the proposal conforms to the approved trip cap:

Trip Generation Summary, SDP-1701, Timothy Branch								
	Use		AM	I Peak Hour		PM Peak Hour		
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot
Current Proposal								
Residential Townhouse	212	units	30	119	149	110	59	169
Residential Two-Over-Two Units	72	units	10	40	50	37	20	57
Residential Single-Family Detached	39	units	6	23	29	23	12	35
Total Proposal			46	182	228	170	91	261
Prior Approvals: SDP-1304								
Infrastructure Only; No Development Approved			0	0	0	0	0	0
Per CDP-0901/CDP-0902/4-	09003							
Trip Cap					1,269			1,775
Less Than or Equal To Trip	Сар				Yes			Yes

In reviewing the circulation, Transportation Planning offered the following comments:

- (a) The overall circulation system conforms in large part to the underlying PPS.
- (b) Due to the presence of the two-over-two units, Transportation Planning recommended that the alleys serving them be 22 feet in width (an increase from 18 feet and 20 feet).
- (c) On the PPS, Grace Kellen Avenue and Graham Patrick Avenue were sized at 26 feet of pavement, while the subject plan sizes these streets at 24 feet. While it is understood that Subtitle 27 allows a minimum of 22 feet, the uses have not changed. Therefore, the Planning Board required that these private streets be shown with 26 feet of pavement.

The overall site is affected by several planned transportation facilities.

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. This facility is not adjacent to the area proposed for development under the current plan.
- The A-63 facility traverses the site from north to south. Correct dedication of a 120-foot right-of-way is shown on the plan.
- The master plan includes I-503, a planned facility that was originally included in the 1993 Subregion V Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road, and to the Mattawoman Drive facility in the future. This facility is not adjacent to the area proposed for development under the current plan.
- The 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment reflects a future transit facility between Charles County and the Branch Avenue Metrorail Station. This facility is not adjacent to the area proposed for development under the current plan.
- d. **Subdivision Review**—The Planning Board analyzed the site plan's conformance with Preliminary Plan of Subdivision 4-09003 and attached conditions as follows:
 - (1) Prior to certification of the SDP the following technical corrections shall be required:
 - (a) Revise the development tracking chart to include the proposed lot and parcel counts and to include the approved development data from PPS 4-09003 as follows:

Lots	580
Outlots	1
Parcels	68
Dwelling Units:	1,200
One-family Detached	101
One-family Semidetached	100
Townhouse	379
Two-family Attached	352
Multifamily	268
Retail/Commercial	305,000 sq. ft.

(b) Label all alleys and private streets with an alphabetic parcel designation, area, and indicate they are to be conveyed the homeowners association.

- (c) Label all proposed public streets with the area and indicate they are to be dedicated to public use.
- (d) Label all open space parcels, which are to be conveyed to the homeowners association with an alphabetic parcel designation.
- (e) Open space areas abutting the lots proposed in this application and the eastern boundary of the overall site shall be shall be shown within this phase of development, given homeowners association parcel designations, and be platted in sequence with this phase of development.
- (2) The final plat shall note the lots which contain yard areas impacted by noise levels exceeding 65 dBA Ldn.
- e. Trails—The Planning Board analyzed the SDP for conformance with the 2009 Approved Countywide Master Plan of Transportation (MPOT) and the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

Two master plan trails impact the subject application. A stream valley trail is recommended along Timothy Branch and a sidepath (or wide sidewalk) is recommended along Mattawoman Drive (A-63). These master plan trails were addressed via prior approvals. The Complete Streets section of the MPOT includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the developed and developing tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

- f. Prince George's County Department of Parks and Recreation (DPR)—In a memorandum dated July 28, 2017, the Department of Parks and Recreation indicated that they had no comment on the subject application.
- g. **Permits**—The Planning Board's comments have been addressed through revisions to the plans.

- h. **Public Facilities**—The Planning Board found that the required fire, rescue, and police facilities have been determined to be adequate. Additionally, the Planning Board analyzed school facilities surcharge for each dwelling unit, which was resolved at the time of PPS. The proposed development is in water and sewer Category 3, Community System.
- i. **Environmental Planning Section**—The Planning Board found that the SDP conforms to the environmental-related conditions of approval of the basic plan, CDP, and PPS, which are included in findings above as appropriate. They also analyzed the site's conformance with Subtitle 25, which is discussed in detail in Finding 14 above. The following is additional discussion:
 - The subject property is located in the southeast quadrant of the intersection of (1)Crain Highway (US 301) and Brandywine (MD 381) Road. Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain and wetlands associated with Timothy Branch in the Mattawoman Creek watershed and the Potomac River Basin. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program there are no rare, threatened, or endangered species found to occur on or near this property. Brandywine Road (MD 381), which borders the site on the north, is a designated historic road. The portion of Brandywine Road west of Mattawoman Drive is classified as an industrial road in the Master Plan of Transportation (MPOT) as is Short Cut Road, which is also adjacent to this site. The section of Robert S. Crain Highway (US 301), which borders the site to the west, is a master planned freeway, and an existing source of traffic-generated noise. Mattawoman Drive and A-55, which are internal to the site, are both classified as arterials, which are generally regulated for noise impacts when associated with residential development. According to the Prince George's County Soil Survey (1967), the principal soils on the site are in the Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown and Sassafras series. Marlboro clay does not occur in this area.

The site is located within the Established Communities of the Growth Policy Map and Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by *Plan Prince George's 2035 Approved General Plan*. According to the Countywide Green Infrastructure Plan of the 2017 *Approved Prince George's County Resource Plan: A Countywide Functional Master Plan*, most of the subject property is Regulated Area and Evaluation Area.

(2) A revised, approved Natural Resources Inventory (NRI) Equivalence letter (NRI-002-07-02) for the Villages at Timothy Branch was approved August 10, 2017. The letter finds that the information on the recently expired NRI plan, which reflects the stream buffer widths and PMA in conformance with the current environmental regulations, is sufficient for review with this application.

The environmental information is correctly reflected on the SDP and TCPII. No additional information regarding the NRI is required at this time.

(3) Policies contained in the General Plan call for the reduction of adverse noise impacts to meet the State of Maryland noise standards. Robert S. Crain Highway (US 301) is an existing source of traffic-generated noise, and a master planned freeway. Mattawoman Drive is a master planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive require evaluation for noise impacts.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010), to evaluate transportation-related noise impacts to proposed residential areas along the southeast side of Mattawoman Drive.

The TCP1 and PPS were revised to correctly show the location of all 65 dBA Ldn unmitigated noise contours adjacent to roads classified as arterials or higher. The plans also showed conceptually how noise mitigation would be provided.

A Phase II noise analysis for Timothy Branch—Phase 1, prepared by Phoenix Noise and Vibration and dated May 11, 2017, was submitted with the current application. This analysis included:

- Computer modeling.
- An analysis of noise levels in outdoor activity areas.
- An evaluation of the proposed duplex, single family home, townhome, and two-over-two condominium models to be offered in Phase 1.
- Specification of the building construction necessary to maintain interior noise levels at the required limit.

The conclusion of the noise analysis states the following:

"Timothy Branch Phase 1 will be exposed to transportation noise levels above 65 dBA Ldn, and up to 74 dBA Ldn. Although these levels are above required noise limits, noise levels will be maintained at the Prince George's County outdoor and interior limits when incorporating required modifications for noise mitigation into standard building construction.

"Except for one single family home (Lot 28), roadway noise levels will be below 65 dBA Ldn in all public (pool and playgrounds) and private (rear yards of duplexes, single family homes, and front-load townhomes) Phase 1 outdoor activity areas due to the distance of these areas from the roadways and the noise reduction provided by residential buildings along Mattawoman Drive. Mitigation for the side yard of the Lot 28 single-family home is not recommended.

"Due to the proximity of the site to the Andrews Air Force Base 65 dBA Ldn noise contour, all Phase 1 residential buildings will be exposed to noise levels equal to or greater than 65 dBA Ldn; however not all residences will require modifications to proposed building construction to maintain interior noise levels below 45 dBA Ldn. The standard building construction to be used at Phase 1 will be capable of reducing noise levels up to approximately 66 to 67 dBA Ldn to an interior level of 45 dBA Ldn depending upon the home model, such that the proposed exterior wall construction and standard window and door products selected for Phase 1 can be used in most of the residences.

"Modifications to standard building construction will be limited to the two-over-two condominiums and rear-load townhomes closest to Mattawoman Drive, as well as the Lot 28 single family home closest to Mattawoman Drive. For these residences, modifications will be limited to upgraded windows and doors. If these residences are built using the specified STC rated building elements, all Phase 1 residences will be following the 45 dBA Ldn limit."

- (3) Brandywine Road is a historic road, and is subject to the provision of a scenic easement in accordance with the requirements for Special Roadways contained in the Master Plan of Transportation (2009) and the Prince George's County Landscape Manual (2010). The PPS and CDP delineated a 40-foot-wide scenic easement along Brandywine Road, the scenic easement delineated on the CDP and PPS, shall also be delineated on the current SDP. Reducing the width of the scenic easement may be addressed by alternative compliance during the review of an SDP for development fronting on Brandywine Road.
- (4) An approved Stormwater Management Concept Plan (11355-2009-00) and letter, extended on May 9, 2017 and valid through May 9, 2020, was submitted with this application, which included sixteen conditions of approval and six traffic safety comments. Technical stormwater management (SWM) design is subject to approval by the Department of Permitting, Inspection and Enforcement (DPIE). Previous conditions have been recommended related to SWM final design, and requiring the submittal of landscape plans and DPIE concurrence, if woodland conservation is proposed within a stormwater management easement.

(5) According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements.

This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. Additional soils information may be requested by DPIE to address specific areas of concern.

- j. **Prince George's County Fire/EMS Department**—The Fire/EMS Department, in a memorandum dated July 5, 2017, provided standard comments regarding fire apparatus, hydrants, and lane requirements. Those issues will be enforced by the Fire/EMS Department in its separate permitting process.
- k. Prince George's County Department of Permitting, Inspections and Enforcement (DPIE)—DPIE did not provide comments on the subject application. The previously approved Specific Design Plan SDP-1304 included the construction of the stormwater management ponds on-site. In that application, DPIE commented that the ponds had received technical approval.
- 1. **Prince George's County Police Department**—The Police Department did not provide comments on the subject application.
- m. **Prince George's County Health Department**—In a memorandum dated August 9, 2017, the Health Department stated that they had completed a health impact assessment review of the SDP. They provided the following summarized comments:
 - (1) Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Submit specific information related to the proposed means of connecting to neighboring communities through public transportation.

Transportation for the proposed development was analyzed in the previous PPS approvals and found to be adequate.

(2) The specific design plans should include open spaces and "pet friendly" amenities for pets and their owners. Designated park areas may consist of the appropriate safe playing grounds, signage, and fencing. Pet refuse disposal stations and water sources are recommended at strategic locations around any park/dog walk locations.

Recreational features for the property have been determined through the previous approvals and are not being revised with the subject application. The applicant should consider providing the suggested amenities for pets, as appropriate.

(3) There is an increasing body of scientific research suggesting that community gardens enhance nutrition and physical activity and promote the role of public health in improving quality of life. The developer should consider setting aside space for a community garden.

There are multiple open areas provided within the residential pods that could be feasible for community gardens if the homeowners choose to create such a facility in the future.

(4) Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. In addition, there is scientific evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma.

This is noted and transmitted to the applicant. The applicant is encouraged to consider the indoor air quality of the proposed dwelling units.

(5) Published scientific reports have found that road traffic, considered a chronic environmental stressor, could impair cognitive development in children, such as reading comprehension, speech intelligibility, memory, motivation, attention, problem-solving, and performance on standardized tests. The Timothy Branch project is shown to be located along a major transportation artery, US 301/MD 5 Crain Highway.

The effects on the property from US 301/MD 5 were considered during previous plan reviews and various conditions were enacted to provide mitigation. The Phase 1 of the development proposed with this SDP is not adjacent to US 301.

n. Maryland State Highway Administration (SHA)—In an e-mail received June 15, 2017, SHA referred to their memorandum dated August 18, 2014, in which they concurred with Specific Design Plan SDP-1304 for infrastructure approval for this project pursuant to all access being from Mattawoman Drive. Any work within the SHA right-of-way would require SHA plan review, approval, and permit as applicable.

- o. Washington Suburban Sanitary Commission (WSSC)—In a memorandum dated July 7, 2017, WSSC provided a standard response on issues such as pipe and easement requirements. All the requirements of WSSC will be enforced in its separate permitting process.
- p. Verizon—Verizon did not offer comments on the subject application.
- q. Southern Maryland Electric Cooperative (SMECO)—SMECO did not offer comments on the subject application.

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 Specific Design Plan SDP-1701, and further APPROVED Alternative Compliance AC-17007 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall:
 - a. Include a cross section for Mattawoman Drive with the plan sheets, as previously approved in Specific Design Plan SDP-1304 for infrastructure.
 - b. Correct notes regarding the gross acreage of the property, subtracting previously dedicated areas.
 - c. Revise the trail cross section to include both the paved trail and the equestrian trail along Timothy Branch.
 - d. Revise the development tracking chart to include the approved development data from Preliminary Plan of Subdivision 4-09003, as follows:

Lots	580*
Outlots	1
Parcels	68*
Dwelling Units:	1,200
One-family Detached	101*
One-family Semidetached	100*
Townhouse	379*
Two-family Attached	352*
Multifamily	268
Retail/Commercial	305,000 sq. ft.

- *Unless otherwise modified pursuant to Section 24-108(a)(6)(B) (CB-72-2016) of the Subdivision Regulations, and/or as modified and provided on future SDPs, which shall be in substantial conformance with the approved preliminary plan of subdivision.
- e. Label all alleys and private streets with an alphabetic parcel designation, square footage, and indicate they are to be conveyed to the homeowners association.
- f. Label all proposed public streets with the area and indicate they are to be dedicated to public use.
- g. Label all open-space parcels to be conveyed to the homeowners association with an alphabetic parcel designation.
- h. Display within this phase of development the open-space areas abutting the lots proposed in this application, the eastern boundary of the overall site, and the homeowners association parcel designations.
- i. Revise the Type II tree conservation plan and the SDP to show the required 40-foot-wide scenic easement along the frontage of Brandywine Road.
- j. Delineate and label all stormwater easements on the SDP and Type II tree conservation plan in accordance with the approved final technical plan.
- k. Revise the SDP and Type II tree conservation plan to show the 75dBA Ldn unmitigated noise contours in accordance with the Phase I noise study reviewed with Preliminary Plan of Subdivision 4-09003.
- Revise the SDP and Type II tree conservation plan to delineate and label the area of the
 nontidal wetland mitigation easement. The final technical design plans for the nontidal
 wetlands mitigation area shall be reviewed with the delineated mitigation area to confirm
 the design of the wetlands mitigation area, so a determination can be made whether it can
 be credited as on-site woodland conservation.
- m. Add a note to the SDP and Type II tree conservation plan as follows:

"The nontidal wetlands mitigation easement area shown on this site reflects requirements of MDE Tracking No. 11-NT-0173 and USACOE permit number 2011-60707 for 2.24 acres of mitigation for nontidal wetland impacts, and 1.26 acres of additional mitigation for on-site primary management impacts per Condition 6 of PGCPB Resolution No. 10-117(A)."

- n. Place the "Table of STC Rating Requirements" from Drawing 2 of the Timothy Branch Phase 1, Phase II noise analysis on the tracking chart on Sheet C-13 of the SDP, including a note indicating the source of the table. The table shall be revised to include the lot and block number to which each of the treatments is applicable.
- o. Submit a photometric plan that meets County illumination shandards showing the proposed light levels in all alleys, private streets, and common areas that may result in adjustments to the lighting plan, to be reviewed and approved by the Urban Design Section as the designee of the Planning Board.
- p. Revise the landscape plan as follows:
 - (1) Revise the Tree Canopy Coverage schedule to reflect the correct gross acreage of the property and adjust the requirement as necessary.
 - (2) Revise the SDP and landscape plan to provide the street trees along private streets to be located in a five-foot-wide strip between the street curb and sidewalk, specifically where common open space and end units of townhouses are proposed, unless spacing, street crossings, and/or utilities conflict with the design.
 - (3) Provide Section 4.6 schedules demonstrating conformance with the requirements to applicable single-family attached lots within Block 'E'.
- q. Revise the architecture as follows:
 - (1) Provide a note stating the following:

"An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate."

(2) Correct the note that the following lots are determined to be highly visible and require enhanced architectural treatment pursuant to Condition 5(e) of Comprehensive Design Plan CDP-0902, including a minimum of three architectural features:

Block C: Lots 12, 15, 30, 35, 36, 42, 47 52, 63 and 84; Specified end units

on Parcels 1, 2, 3 and 6

Block D: Lots 1 and 28

Block E: Lots 1, 24, 25, 48 and 52

Block G:

Lot 1, 6 and 12

Block H:

Lots 1, 6, 8 and 13

Block I:

Lots 1 and 5.

- (3) Add a note that the following buildings in any horizontal, continuous, attached group of townhouse or two-family buildings shall have a roof feature containing either a reverse gable or dormer window(s):
 - (a) Three buildings in any building group containing five or six buildings; or
 - (b) Two buildings in any building group containing four buildings; or
 - (c) One building in any building group containing three buildings.
- (4) Add a note that states "No two units located next to each other may have identical front elevations."
- (5) Revise the single-family semi-detached architecture to demonstrate the option for units facing a public street and for the side elevations of the same unit facing a public street (corner lots) to be finished with up to 60 percent of high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.
- r. Revise the Type II tree conservation plan (TCPII) as follows:
 - (1) Revise the worksheet to correct the land area and clearing acreage for Phase 2.
 - (2) Include the entire boundaries of the development site consistent with the approved Type I tree conservation plan.
 - (3) The scale shall be the same as the SDP.
 - (4) The cover sheet shall provide a key to all sheets for the development site.
 - (5) All woodland conservation less than 50 feet in width shall be eliminated as woodland conservation, or revised to meet the minimum design criteria for width.
 - (6) Revise the general notes as necessary to reflect the current TCPII. Add a note to include the liber and folio of the recorded woodland conservation easements in the general notes.

- (7) Add an owner's awareness certificate to the TCPII, to be signed prior to signature approval.
- (8) Show metes and bounds on all legal property lines.
- (9) Within the woodland conservation area, show all existing and proposed easements. In addition, show all existing stormwater management and utility easements.
- (10) Label each woodland conservation area by type, with an identifier, and provide a summary table of all woodland conservation areas on each sheet.
- (11) Reduce the size of the graphic for woodland conservation signage so it is proportional to other elements on the plan sheet and does not obscure other information on the sheet.
- (12) After all required revisions are made, revise the woodland conservation worksheet to correctly reflect the woodland conservation required and fulfilled for the site.
- (13) Condition 2(a)(1) of the approved preliminary plan of subdivision shall be added to the TCPII, below the worksheet.
- (14) Have the revised plan signed and dated by the qualified professional who prepared it.
- 2. At the time of final plat, the applicant shall:
 - a. Provide a final plat note as follows:

"The nontidal wetlands mitigation easement area shown on this plat reflects requirements of MDE Tracking Permit No. 11-NT-0173 and USACOE permit number 2011-60707 for 2.24 acres of mitigation for nontidal wetland impacts, and 1.26 acres of additional mitigation for on-site primary management area impacts per Condition 6 of PGCPB Resolution No. 10-117(A)."

- b. Note the lots which contain yard areas impacted by noise levels exceeding 65 dBA Ldn.
- 3. Prior to grading permit approval, except for grading permits issued in accordance with a specific design plan and Type II tree conservation plan (TCPII) for infrastructure only, woodland conservation easements shall be recorded in the land records for all proposed woodland conservation areas on-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file, and the liber and folio of the recorded easements shall be added to a note placed on the TCPII plan prior to signature approval.

- 4. Prior to issuance of building permits for Phase 1 (except for building permits for any model homes), all afforestation/reforestation planting, permanent tree protection fencing, and signage shall be installed and completed on adjacent parcels.
- 5. Prior to issuance of building permits for any residential lot located in Phase 1 and identified within the tracking chart on Sheet C-13, an acoustical shell certification for the required mitigation identified in the Phase II noise analysis shall be submitted. The results of the Phase II noise analysis have been based upon the proposed site plan, building layout, architectural plans (exterior wall dimensions and construction; window and door dimensions, room dimensions, building elevation, floor plans), and roadway/railway information available at the time of this analysis. If these elements are modified during the planning, design, or construction phases of development, additional analysis will be required to determine if the results and recommendations presented are still capable of maintaining interior and outdoor noise levels in compliance with Prince George's County's Noise Policy guidance for residential development.
- 6. Prior to issuance of building permits, a list of the building materials for residential lots that will be impacted by noise levels above 65 dBA Ldn shall be submitted to the acoustical engineer for review for conformance with Condition 11 of Preliminary Plan of Subdivision 4-09003.
- 7. Prior to issuance of the use and occupancy permit for the clubhouse, the applicant shall install the two interpretive signs detailing the findings of the Phase I and II archeological surveys and provide proof of its installation to the Historic Preservation Section.

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.

* * * * * * * * * * * * *

PGCPB No. 17-119 File No. SDP-1701 Page 61

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 Geraldo, seconded by Commissioner Bailey, with Commissioners Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion, and with Commissioner Washington absent at its regular meeting held on Thursday, September 14, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 14th day of September 2017.

Elizabeth M. Hewlett Chairman

By

Jessica Jones

Planning Board Administrator

EMH:JJ:JK:rpg

M-NCPPC Legal Department

EGAL SUFFICIENCY

SDP-1701-03_Backup 327 of 378



MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

July 31, 2018

Timothy Branch Inc. 2124 Priest Bridge Drive, Suite 18 Crofton, MD 21114

> Re: Notification of Planning Board Action on Specific Design Plan - SDP-1701-01 Timothy Branch, Phase 1

Dear Applicant:

This is to advise you that the above-referenced Specific Design Plan was acted upon by the Prince George's County Planning Board on July 26, 2018 in accordance with the attached Resolution.

Pursuant to Section 27-528.01, the Planning Board's decision will become final 30 calendar days after the date of the final notice **July 31, 2018** 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 communications or inquires regarding this matter to Ms. Redis C. Floyd, Clerk to the County Council, at 301-952-3600.

Sincerely,

James Hunt, Chief

Development Review Division

Attachment: PGCPB Resolution No. 18-64

cc: Redis C. Floyd, Clerk to the County Council

Persons of Record

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco

PGCPB No. 18-64

File No. SDP-1701-01

RESOLUTION

WHEREAS, the Prince George's County Planning Board is charged with approval of Specific Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on July 12, 2018, regarding Specific Design Plan SDP-1701-01 for Timothy Branch, Phase 1, the Planning Board finds:

1. **Request:** The subject approval is for additional architectural models and to modify the maximum allowed lot coverage for Phase 1 of the overall development.

2. Development Data Summary:

	EXISTING	APPROVED
Zones	R-M/M-I-O	R-M/M-I-O
Use	Vacant	Residential
Gross Total Acreage	322.41	322.41
R-M Zone	250.15	250.15
L-A-C Zone	72.26	72.26
Residential Units in SDP-1701	323	323
Single-Family Detached	0	39
Single-Family Semidetached	0	18
Single-Family Attached	0	194
Two-Family Attached	0	72
Lot Coverage	30/35 percent	60 percent

- 3. Location: Phase 1 is in the middle of the larger development known as Timothy Branch, which is a tract of land consisting of wooded, undeveloped land and open farmland located on the east side of US 301 (Robert Crain Highway), and south of MD 381 (Brandywine Road), in Planning Area 85A, Council District 9.
- 4. Surrounding Uses: The entire Timothy Branch property consists of 322.41 acres and is bounded to the north by MD 381 (Brandywine Road), to the northwest by Short Cut Road, to the east by the Timothy Branch Stream Valley, to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones, to the west by US 301 (Robert Crain Highway), a single-commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E) located in the central northern portion of the property, which is split zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse. The 72.26-acre L-A-C-zoned (Local Activity Center) portion of the property is in the northeast corner,

PGCPB No. 18-64 File No. SDP-1701-01 Page 2

just south of MD 381, and the 250.15-acre, R-M-zoned (Residential Medium Development) portion is located to the south, abutting US 301. Phase 1, the subject of this SDP, is located wholly in the R-M Zone.

5. Previous Approvals: Zoning Map Amendments (Basic Plans) A-9987 and A-9988 were approved by the Prince George's County District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and 1 consideration. The 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment (Subregion 5 Master Plan and SMA), retained the subject property in the R-M and the L-A-C Zones.

Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion was approved by the Prince George's County Planning Board on October 7, 2010 (PGCPB Resolution No. 10-111). The District Council elected to review the case at a hearing on November 14, 2011 and issued an order of approval on January 23, 2012, subject to 46 conditions. Subsequently, the applicant requested a reconsideration of the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-111(A)), including 38 conditions, was adopted by the Planning Board on the same day.

Comprehensive Design Plan CDP-0902 for the R-M-zoned portion was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case at a hearing on November 14, 2011. The District Council remanded the case to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the revised approval and issued an order of approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration to the decision, which was reviewed and approved by the Planning Board on March 19, 2015. The final resolution (PGCPB Resolution No. 10-110(A)) including 42 conditions, was adopted by the Planning Board on the same day.

Preliminary Plan of Subdivision (PPS) 4-09003, which included the entire Timothy Branch project, was approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117). The applicant's request for a reconsideration of this decision was granted on April 5, 2012. The Planning Board heard testimony regarding the reconsideration and approved PPS 4-09003 subject to 32 conditions contained in PGCPB Resolution No. 10-117(A/1).

An SDP for infrastructure, Specific Design Plan SDP-1304, which included rough grading, dedication and construction of Mattawoman Drive, and a stormwater management pond, was approved by the Planning Board on October 23, 2014 (PGCPB Resolution No. 14-116).

Specific Design Plan SDP-1701, was approved by the Planning Board on September 14, 2017 (PGCPB Resolution No. 17-119) for 39 single-family detached, 18 single-family semidetached, 194 single-family attached, and 72 two-family attached residential units, known as Phase I of the overall development.

The site development approved herein has an approved Stormwater Management (SWM) Concept Plan, 11355-2009-00, which was approved on May 9, 2017 and is valid through May 9, 2020.

6. **Design Features:** The subject approval is for additional architectural models and to amend the maximum lot coverage development standard for both single-family detached lots in Blocks D-G and H and single-family semidetached lots in Block H within Phase I. The following architectural models are proposed:

NVR Homes

Two-family Attached

Model	Elevations	Base Square Footage
Matisse	10	1,606
Picasso	10	2,617

Single-family attached (Townhouse)

Model	Elevations	Base Square Footage
Mozart	2	1,709
Mozart Attic	2	2,202
Strauss E	6	1,989
Strauss Attic E	6	2,257
McPherson (24 feet wide)	10	2,307
McPherson Grand (24 feet wide)	10	2,677

Single-family semidetached (Duplex)

Model	Elevations	Base Square Footage
Allegheny	3	1,823
Ballenger	3	2,114

Single-family detached

Model	Elevations	Base Square Footage
Allegheny	2	1,823
Ballenger	1	2,114
Palermo	1	2,264
Columbia	1	2,423
Hudson	1	2,718
Lehigh	2	3,010
Seneca	5	3,306
York	3	3,656

The single-family attached units approved herein range in size from 1,709 square feet to 2,677 square feet. The two single-family semidetached (duplex) units approved herein measure 1,823 and 2,114 square feet. The single-family detached units range in size from 1,823 to 3,656 square feet. The two-family attached units measure 1,606 and 2,617 square feet.

The two-family attached models (the Matisse and the Picasso) approved herein present an attractive four-story architectural design. Brick is included as the primary architectural material for the model and is utilized on the first story of all façades except the pediment and on the rear and side elevations. The roofline is well articulated on the front façade, where dormers or a pediment create some visual interest. The front doors to the units are recessed, providing some protection from the elements. The windows are of varying design, including bay, double, and triple designs, some with shutters and most with a row lock forming the lintel of the window with a keystone in the center. Decorative oval or louvred windows provide accents in the design.

The townhouse models approved herein are a simpler design with brick or stone used more sparingly and with window design somewhat less varied, but the architectural design is acceptable. All side elevations have several optional end-wall features. A condition, of this approval, requires that, prior to certificate approval, the applicant include a side elevation with a minimum of three standard (not optional) end-wall features for use on lots designated "highly visible." In addition, the Planning Board found a design anomaly on the McPhearson (24-foot-wide model) in that brick is wrapped from the front to the side elevation and extended on the water table, but not above. A condition of this approval requires that the brick in this location be removed, simply wrapped, or be extended as shown in the full length of the side elevations.

The side elevations are required by Condition 5(e)(8) of Comprehensive Design Plan CDP-0902, to have a minimum of two architectural features in a reasonably balanced arrangement. A small window that is louvered or paned would not, in this instance, be considered a full-sized architectural feature. A condition of this approval requires that the applicant revise the architecture as indicated.

Condition 1(q)(2) of Specific Design Plan SDP-1701, identifies the highly visible lots located in Phase 1 and states that the specified lots require enhanced architectural treatment pursuant to Condition 5(e) of CDP-0902, including a minimum of three architectural features. As the following models have only two full-sized architectural features, a condition of this approval requires that, prior to certificate approval, the applicant revise the architecture of the side elevations, as necessary, to enable all units to be utilized on any lot regardless of its status as "highly visible:"

- Allegheny duplex
- Allegheny single-family detached
- Lehigh single-family detached
- Palermo single-family detached.

As the design on highly-visible lots should be superior, and no specific architecture is included for the highly-visible lots, a condition of this approval requires that, prior to certificate approval, the plans should be revised to include a side elevation for all models containing additional architectural detail and/or brick on the first story.

The duplex models herein approved (the Allegheny and the Ballenger), which are also offered in single-family detached models, and the additional single-family detached models were under-designed on their side and rear elevations, offering little variety in form and massing minimal fenestration with entirely unadorned windows and doors and virtually no architectural detail. A condition of this approval requires that the side and rear architecture of these units be improved to include a minimum of two full-sized architectural features in a reasonably balanced arrangement and additional architectural detail, fenestration, and/or brick, with the final design of these elevations to be approved by the Planning Board or its designee. A side elevation, including a minimum of three full-sized architectural features in a reasonably balanced arrangement and additional architectural detail, fenestration, and/or brick shall also be provided for use on lots deemed highly visible.

Requested Lot Coverage Increase

The applicant has requested and the Planning Board herein approves that the lot coverage for both the single-family detached lots in Blocks D, G, and H, and the single-family semidetached lots in Block H be increased from a maximum of 30 percent and 35 percent respectively, to 60 percent. Development standards, including lot coverage, were established for the R-M-zoned portion of the site in Condition 5(c) of the approval of CDP-0902 (PGCPB Resolution No. 10-110(A)). For a detailed discussion of the applicant's request to increase lot coverage, see Finding 9 of this approval. As the General Notes on the plans still reflect 30 and 35 percent lot coverage, a condition of this approval requires that the allowed lot coverage be revised therein to 60 percent.

COMPLIANCE WITH EVALUATION CRITERIA

- 7. Zoning Map Amendment (Basic Plan) A-9987: Basic Plan A-9987-C was approved by the District Council on July 11, 2008 subject to 12 conditions and 1 consideration. The subject project does not affect previous findings of conformance with the requirements of Zoning Map Amendment (Basic Plan) A-9987 and none of the conditions or the considerations of this approval are relevant to the subject SDP amendment approval. All conditions of approval of Basic Plan A-9987-C shall remain in full force and effect.
- 8. **Prince George's County Zoning Ordinance:** The subject SDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:
 - a. The subject approval is in conformance with the applicable requirements of Section 27-507, Purposes; Section 27-508, Uses; and Section 27-509, Regulations, governing development in the R-M Zone.

- b. Military Installation Overlay (M-I-O) Zone: A portion of the project is also located within the Noise Impact Zone (65–70 dBA noise contour) of the M-I-O Zone. The subject SDP amendment does not impact previous findings of conformance with the requirements in the M-I-O Zone.
- c. Section 27-528 of the Zoning Ordinance sets forth the following criteria for approval of a SDP:
 - (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);

As discussed in Findings 9 and 13 below, the plan conforms to the requirements of the approved comprehensive design plan and the 2010 *Prince George's County Landscape Manual* (Landscape Manual). In addition, the architectural models approved herein conform to the requirements of Section 27-274(a)(1)(B) and Section 27-274(a)(11) of the Prince George's County Zoning Ordinance, as found in the original SDP-1701 approval. Conformance to the regulations for townhouses in Section 27-433(d) of the Zoning Ordinance was demonstrated previously in CDP-0902 and SDP-1701, with conditions as appropriate, which are still applicable to the subject amendment approval. As the portion of the project discussed herein is located in the R-M Zone, not the L-A-C Zone, the final portion of this subpart does not apply to the subject approval.

(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.

As the subject project is not a Regional Urban Community, this required finding is not applicable.

(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.

The subject amendment approval does not affect the previous finding of conformance with this requirement by the Planning Board at the time of approval of SDP-1701.

(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.

The applicant has an approved SWM plan (11355-2009-00), which was approved on May 9, 2017 and is valid until May 9, 2020. The subject approval has made adequate provision for draining surface water, with no adverse effects.

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

The subject amendment approval will not affect the prior finding in the approval of SDP-1701 of conformance with Type II Tree Conservation Plan TCPII-068-93-02.

(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).

The subject amendment approval does not affect the finding in the approval of SDP-1701 of conformance to this requirement.

9. Comprehensive Design Plan CDP-0902: Comprehensive Design Plan CDP-0902, for the R-M-zoned portion of the subject property, was originally approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). It was then remanded by the District Council to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council elected to review the remand and issued an order affirming the Planning Board's approval on November 4, 2013, subject to 50 conditions. Subsequently, the applicant requested a reconsideration to the decision, which was reviewed and approved by the Planning Board on March 19, 2015.

The final resolution, including 42 conditions, was adopted by the Planning Board on March 19, 2015 (PGCPB Resolution No. 10-110(A)). The following conditions of that approval warrant discussion:

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE¹

	One-family detached	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq. ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	$\mathbf{TBD^{10}}$	TBD ¹⁰	$\mathrm{TBD^{10}}$	\mathbf{TBD}^{10}	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.

With respect to the increase in the maximum allowed lot coverage requirement for the single-family detached lots in Blocks D, G, and H from 30 to 60 percent and for the single-family semidetached Lots in Block H from 35 percent to 60 percent, the applicant offered the following:

"The added architecture conforms to the development standards, with the exception of modifications to the maximum lot coverage development standard for single-family detached lots in Blocks D, G, and H, and the single-family semidetached lots (duplex) in Block H.

"The amendment is to increase the maximum lot coverage for the single-family detached units in the R-M Zone from 30 percent to 60 percent in Blocks D, G, and H, and for the single-family semidetached (duplexes) in the R-M Zone from 35 percent to 60 percent in Block H, which are located in residential pod RM-2. The entirety of the RM-2 residential pod has extensive environmental constraints that have been taken into consideration with the design of SDP-1701 and SDP-1701-01. The development proposed in RM-2 was carefully designed to stay within the limited development envelope, as to not further impact the regulated environmental features that bound this portion of the development pod on three sides (i.e., the north, east, and south). However, in so doing, and in order to maintain the development densities envisioned with previous approvals, the applicant hereby requests a modification to this development standard to increase the maximum lot coverage for the single family detached units in the R-M Zone from 30 percent to 60 percent for certain single-family detached lots within

⁴ This percentage is for building coverage (and not for lot coverage) of the overall net tract area

⁵Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.

¹⁰ The minimum building setback for one-family detached, two-family detached, single-family semidetached, single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.

¹¹ These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

Blocks D, G, and H, and a modification to the single-family semidetached units in the R-M Zone from 35 percent to 60 percent within Block H. Thus, the applicant contends that the requested increase to the maximum lot coverage for the single family detached units in the R-M Zone from 30 percent to 60 percent, and the increase to the maximum lot coverage for the single-family semidetached units in the R-M Zone from 35 percent to 60 percent, will not adversely impact the future development or future residents of said lots, but will offer the residents more architecture choices, while preserving the significant on-site environmental features that this community will offer. Prior variance approvals to Subtitle 25 for the Timothy Branch development have already determined that the property is unique given its elongated shape, size, and significant environmental features that include, among other things, a large stream valley. The totality of the environs presents special conditions peculiar to the property that focus development to the middle of the site in order to accommodate the desired development pattern while protecting regulated environmental features. It is also worth noting that similar comprehensive design zoned developments, have been approved with a greater percentage of lot coverage for similar sized lots, ranging from 60 percent to 75 percent."

The applicant requested additional architectural models that, if placed on certain lots in the subdivision, would result in lot coverage greater than 30 or 35 percent, up to 60 percent. The applicant's assertion that a number of similar comprehensive-design-zoned developments were permitted a greater lot coverage, with no negative affect, is true. Examples of CDPs that meet this criterion include Springdale Estates, CDP-9601-01, approved for 75 percent; Parkside, CDP-0501, approved for 75 percent; and Beechtree, CDP-9706, approved for lot coverages varying from 40 percent to 75 percent. The additional coverage does not affect the finding required by Section 27-528(a)(3) of the Zoning Ordinance that adequate provision has been made for draining surface water, so there are no adverse effects on adjacent properties. The project has an approved SWM concept plan (11355-2009-00), dated May 9, 2017 and valid until May 9, 2020, which will not be impacted by the increase in lot coverage. As there are no planning-related concerns connected with the request, the Planning Board herein grants this requested modification. Further, this aspect of the approval is a modification to the standards in accordance with the lead-in clause approved at the time of the CDP to allow flexibility at the time of SDP.

- e. The following Architectural Design Parameters shall apply and be revised in the CDP text:
 - (1) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP demonstrating conformance with this requirement.

(2) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner lots) shall be faced up to 60 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors) or other masonry materials of equivalent quality.

The architecture for the single-family attached, duplex, and single-family detached architecture approved herein do not provide options showing the ability to have a front and/or side elevation faced with up to 60 percent masonry materials. Therefore, a condition of this approval requires this to be added prior to certificate approval.

(3) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality as long as the buildings are within, 100 feet of the Mattawoman Drive right-of-way.

The subject approval does not affect previous findings of conformance with this requirement, and architectural elevations are provided as appropriate.

(4) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.

The subject approval does not affect previous findings of conformance with this requirement.

(5) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.

The subject approval does not affect previous findings of conformance with this requirement.

(6) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive and those that are determined at SDP to

have highly-visible corner façades shall be faced with a minimum of 80 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.

No multifamily buildings are approved with this SDP.

(7) A minimum of 60 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, or stucco, or other masonry materials of equivalent quality.

Notes and a tracking chart are provided on the SDP and conformance with this requirement is demonstrated.

(8) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly-visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.

Most residential end walls show a minimum of two architectural features. A condition of this approval ensures all side elevations have a minimum of two architectural features, and highly-visible lots will have a minimum of three architectural features.

16. All future SDPs and associated TCP2 shall have a tree canopy coverage schedule indicating how the TCC requirements have been fulfilled for the subject application.

The subject SDP and TCP2 contain a tree canopy coverage schedule indicating how the TCC requirements have been fulfilled for the subject approval in accordance with this requirement. However, the subject approval does not affect previous findings of conformance with this requirement.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

A Phase II noise study was submitted for review with SDP-1701. The noise study identified one single-family detached lot (Lot 28, Block D) that requires noise mitigation for traffic noise generated by Mattawoman Drive. If one of the architectural models approved herein is selected for placement on that lot, it will require a certification on it by an acoustical engineer at time of issuance of a building permit stating that the inside noise levels will be attenuated to 45 dBa or lower in accordance with the findings and recommendations of the noise study.

- 10. **Preliminary Plan of Subdivision 4-09003:** The relevant PPS, 4-09003, was originally approved by the Planning Board on October 28, 2010. Subsequently, the applicant requested a reconsideration, which the Planning Board heard and approved on April 5, 2012 (PGCPB Resolution No. 10-117(A/1)), subject to 32 conditions. The following conditions warrant discussion in relation to the subject SDP amendment approval:
 - †[37]29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.

The submitted SDP provides tracking charts and notes with an inventory of total development in this phase in accordance with this requirement.

†[38]30. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

A note on the plans indicates that an automatic fire suppression system will be provided in all new buildings proposed in this development, unless the contingency is met, in accordance with this requirement.

- 11. **Specific Design Plan SDP-1304:** SDP-1304 was for infrastructure only, and includes rough grading, dedication and construction of Mattawoman Drive, and SWM ponds, and was approved by the Planning Board on October 23, 2014 (PGCPB Resolution No. 14-116), subject to three conditions. None of those conditions are relevant to the subject amendment approval.
- 12. **Specific Design Plan SDP-1701:** SDP-1701 was approved by the Planning Board, subject to seven conditions (PGCPB Resolution No.17-119), as adopted on September 14, 2017 for Phase I of the Timothy Branch development, which included 39 single-family detached, 18 single-family semidetached, 194 single-family attached, and 72 two-family attached residential units. Condition

- 1(q) of this approval is relevant to the subject discussion. Condition 1(q) of that approval required revisions to the architecture to include certain notes and architectural modifications for the single-family semi-detached architecture for side elevations facing a public street. A review of the submitted architecture indicates that some, but not all, the submitted architecture complies with these requirements. Therefore, a condition of this approval ensures that these required revisions are made as necessary to all the models approved herein. Note that all conditions, findings, and notes approved in SDP-1701 remain applicable, except as modified herein.
- 13. **2010** *Prince George's County Landscape Manual*: The addition of architectural models and an increase in the permitted lot coverage has no impact on the previous findings of conformance to the 2010 *Prince George's County Landscape Manual* (Landscape Manual) made in conjunction with the approval of the previous SDP on the subject site.
- 14. Prince George's County Woodland and Wildlife Habitat Conservation Ordinance: The approval of architectural models and an increase in the permitted lot coverage has no impact on the previous findings of conformance with the requirements of the Woodland and Wildlife Habitat Conservation Ordinance made in conjunction with the approval of previous SDPs for the subject site.
- 15. **Prince George's County Tree Canopy Coverage Ordinance:** The approval of architectural models and an increase in the permitted lot coverage has no impact on the previous findings of conformance with the requirements of Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance.
- 16. Further Planning Board Findings and Comments from Other Entities: The subject approval of architecture and an increase in permitted lot coverage was not referred because the issues raised by the approval are not of concern to outside agencies and other divisions.

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 Specific Design Plan SDP-1701-01 for the above-described land, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall apply these recommendations:
 - a. Architecture to be used on lots designated as highly visible shall be provided and labeled "side elevations for use on highly-visible lots." Such elevations shall include a minimum of three full-sized architectural features in a reasonably balanced arrangement. Such elevations may include additional architectural detail and fenestration and/or brick on the first story. Final design of these side elevations shall be approved by the Urban Design Section as designee of the Planning Board.

- b. The side elevations of the following architectural models shall be revised to have a minimum of two full-sized architectural features in a reasonably balanced arrangement, and may include additional architectural detail, fenestration, and/or brick. Final design of these side elevations shall be approved by the Urban Design Section, as designee of the Planning Board.
 - Allegheny Duplex
 - Allegheny Single-family Detached
 - Palermo Single-family Detached
 - Lehigh Single-family Detached
- c. The architecture for the single-family attached, single-family semidetached, and single-family detached architecture shall provide options showing the ability to have a front and/or side elevation finished with a minimum of 60 or 100 percent high-quality materials such as brick, stone, stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
- d. All conditions of Comprehensive Design Plan CDP-0902 (PGCPB Resolution No. 10-110(a)) and Specific Design Plan SDP-1701 (PGCPB Resolution No. 17-119), remain in full force and effect, including the requirements that certain notes be provided on all architecture and a version of the single-family semidetached architecture side elevations to be used when the unit faces a public street be provided.
- e. The side and rear elevations of the Allegheny and the Ballenger architectural models shall be improved to include a minimum of two full-sized architectural features for use on regular lots, and three full-sized architectural features for use on highly-visible lots, in a reasonably balanced arrangement, and additional architectural detail, fenestration, and/or brick with final design to be approved by the Urban Design Section as designee of the Planning Board.
- f. The applicant shall revise the general notes to reflect that a lot coverage for residential uses of 60 percent is permitted for the specified blocks and lots.

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.

* * * * * * * * * * *

PGCPB No. 18-64 File No. SDP-1701-01 Page 16

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, and Hewlett voting in favor of the motion, and with Commissioner Doerner absent at its regular meeting held on Thursday, July 12, 2018, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 26th day of July 2018.

Elizabeth M. Hewlett Chairman

Question C

By Jessica Jones

Planning Board Administrator

Date 7/23/18

EMH:JJ:RG:gh



INTER-OFFICE MEMORANDUM PRINCE GEORGE'S COUNTY POLICE DEPARTMENT



MEMORANDUM

DATE: April 14, 2020

TO: Planning Coordinator, Urban Design Application Section

Development Review Division

FROM: Captain Wendy Contic, Assistant Commander, Planning & Research Division

SUBJECT: SDP-1701-03 Timothy Branch

Upon review of the site plans, there are no comments at this time.

SDP-1701-03_Backup 345 of 378



Division of Environmental Health/Disease Control

Date: April 15, 2020

To: Adam Bossi, Urban Design, M-NCPPC

From: Adebola Adepoju, Environmental Health Specialist, Environmental Engineering/Policy

Program

Re: SDP-1701-03, Timothy Branch

The Environmental Engineering / Policy Program of the Prince George's County Health Department has completed a health impact assessment second review of the specific design plan submission for Timothy Branch community, and has the following comments / recommendations:

- 1. Health Department permit records indicate there are approximately 10 existing carry-out/convenience store food facilities and approx. 3 markets/grocery stores within a ½ 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. The applicant should consider setting aside retail space for a tenant that would provide access to healthy food choices in the area.
- 2. Research shows that access to public transportation can have major health benefits as it contributes to good connectedness and walkability. Submit specific information related the proposed means of connecting to neighboring communities through public transportation.
- 3. The Timothy Branch project is shown to be located along a major transportation artery, US 301/MD 5 Crain Highway. Several large-scale studies demonstrate that increased exposure to fine particulate air pollution is associated with detrimental cardiovascular outcomes, including increased risk of death from ischemic heart disease, higher blood pressure, and coronary artery calcification. In addition there is scientific



Environmental Engineering/Policy Program
Largo Government Center
9201 Basil Court, Suite 318, Largo, MD 20774
Office 301-883-7681, Fax 301-883-7266, TTY/STS Dial 711
www.princegeorgescountymd.gov/health



Division of Environmental Health/Disease Control

evidence indicating that fine particulate air pollution from traffic is associated with childhood asthma.

- 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.

If you have any questions or need additional information, please contact me at 301-883-7677 or aoadepoju@co.pg.md.us.





MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366

N.O

TTY: (301) 952-4366 www.mncppc.org/pgco

May 8, 2020

TO: Adam Bossi, Urban Design Section, Development Review Division

VIA: Bryan Barnett-Woods, Transportation Planning Section, Countywide Planning

Division

FROM: Noelle Smith, Transportation Planning Section, Countywide Planning Division

SUBJECT: Specific Design Plan Review for Pedestrian and Bicyclist Transportation Master

Plan Compliance

The following specific design plan (SDP) was reviewed for conformance with the *Approved Countywide Master Plan of Transportation* (MPOT) and the 2013 *Approved Subregion 5 Master Plan* to provide the appropriate pedestrian and bicycle transportation recommendations.

Specific Design Plan Number: <u>SDP-1701-03</u>

Development Case Name: <u>Villages at Timothy Branch</u>

Type of Master Plan Bikeway or Trail

Private R.O.W.		Public Use Trail Easement	
County R.O.W.		Nature Trails	
SHA R.O.W.		M-NCPPC – Parks	
HOA		Bicycle Parking	
Sidewalks	X	Trail Access	
Addt'l Connections	X	Bikeway Signage	

Development Case Background				
Building Square Footage (non-residential)	n/a			
Number of Units (residential)	251 units			
Abutting Roadways	Mattawoman Drive, Short Cut Road, MD 381 (Brandywine Road)			
Abutting or Nearby Master Plan Roadways	Mattawoman Drive (A-63), MD 381 (C-613)			
Abutting or Nearby Master Plan Trails	Side path along A-63 & A-55 (planned), Timothy Branch Trail (planned)			
Proposed Use(s)	Residential			
Zoning	R-M			
Centers and/or Corridors	Branch Ave Corridor, Brandywine Center			

Prior Approvals on Subject Site	A-9987, CDP-0902, 4-09003, SDP-1304, SDP-
	1701, -01, -02
Subject to 24-124.01:	No
Bicycle and Pedestrian Impact Statement Scope	n/a
Meeting Date	

Background

The subject application proposed 251 single-family units within the RM-3 and RM-4 of the Villages of Timothy Branch development.

Previous Conditions of Approval

The subject site has several prior approvals that include conditions related to pedestrian, bicycle, and transit transportation. However, the subject application does not alter the conditions related to the alignment or widths of the required trail, bicycle, and transit facilities.

Prior approval of 4-09033 includes the following condition related to pedestrian and bicycle infrastructure applicable to the subject application:

- 17. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the *Approved Subregion 5 Master Plan* and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:
 - a. An eight-foot-wide sidewalk or side path along the subject site's entire frontage of Brandywine Road, unless modified by SHA.
 - b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.
 - c. An eight-foot-wide sidewalk or side path along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
 - d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
 - e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.
 - f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.
 - g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
 - h. Sidewalk, side path, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.

i. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.

Comment: A detailed exhibit provided by the applicant included all the relevant components of Condition 17 of 4-09033 that impacted the subject sites of RM-3 and RM-4.

Review of Proposed On-Site Improvements

The subject application proposes five foot-wide sidewalk along both sides of all the internal roadways, except Ring House Road, eight foot-wide sidewalk along the east side of Mattawoman Drive, five foot-wide sidewalk along the west side of Mattawoman Drive, and Inverted U-style bicycle racks at the proposed recreation areas within RM-3 and RM-4. Staff recommend the sidewalk be extended along the east side of proposed Ring House Road near General Maxwell Drive for a continuous pedestrian connection.

Staff find that the proposed facilities included in the specific design plan conform to the approved comprehensive design plan, pursuant to Section 27-528(a)(1). The proposed pedestrian and bicycle facilities, along with the below recommendation, are appropriate and convenient to serve pedestrians, bicyclists, and motorists.

Review of Connectivity to Adjacent/Nearby Properties

The subject site is adjacent to residential and industrial areas with no current pedestrian or bicycle connections. The planned pedestrian and bicycle facilities included in this development will support future connections.

Review of Master Plan of Transportation (MPOT) Compliance

Three master plan trail facilities impact the subject site, including a planned side path along A-63, a side path along A-55, and the planned Timothy Branch Trail. The Complete Streets element of the MPOT reinforces the need for multi-modal transportation and include the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, p. 9-10):

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

Comment: The submitted plans reflect the relevant pedestrian and bicyclist facilities and policies recommended in the MPOT. However, the alignment of master planned roadway A-55 does not impact the subject site, and therefore will not be included in this development.

Review of Area Master Plan Compliance

The 2013 *Approved Subregion 5 Master Plan* recommend a dual route along Brandywine Road. The area master plan also includes the following policies related to pedestrian and bicycle transportation:

- Promote pedestrian and bicycle opportunities as part of a multi-modal transportation network.
- Promote and encourage cycling and walking for commuting purposes as an alternative to driving a car.

Comment: The submitted plans reflect the relevant recommendations from the Area Master Plan, and do not alter the previously approved facilities.

Recommended Conditions of Approval

Based on the findings presented above, staff conclude that the pedestrian and bicycle access and circulation for this plan conform to the approved comprehensive design plan, pursuant to Section 27-528(a)(1), and is acceptable, if the following condition is met:

- 1. Prior to certification, the applicant and the applicant's heirs, successors, and/or assignees shall revise the site plan to provide the following:
 - a. A sidewalk connection along the east side of proposed Ring Horse Road, extending from lot 1, to the sidewalk along General Maxwell Drive, for a continuous pedestrian connection.



AND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

Countywide Planning Division Special Projects Section

May 8, 2020

MEMORANDUM

TO: Adam Bossi, Planner Coordinator, Urban Design Section, Development Review

Division

VIA: Whitney Chellis, Acting Planning Supervisor, Special Projects Section, Countywide

Planning Division

FROM: Ivy R. Thompson, Senior Planner, Special Projects Section, Countywide Planning

Division

SUBJECT: SDP-1701-03 Villages of Timothy Branch

Project Summary:

This project is an amendment of a specific design plan within a Comprehensive Design Zone for residential development in the R-M Zone. This property is located outside the I-495 Beltway.

This Specific Design Plan (SDP) amendment was accepted for processing by the Planning Department on April 6, 2020.

Section 27-528(a)(2) of the Prince George's County Code of Ordinances requires that prior to approval, the Planning Board shall find that the SDP 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 (for transportation APF) as authorized pursuant to Section 24-124(a)(8) with participation by the developer in a road club.

Subtitle 24 of the County Code provides the only methodology for testing adequate public facilities to ensure that the development will be served by adequate public facilities within a reasonable period of time, as set forth below.

RESIDENTIAL

Water and Sewer:

Using Section 24-122.01(b)(1) of the Prince George's County Code of Ordinances, Subdivision Regulations which states "the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval." The 2018 *Water and Sewer Plan* placed this property in the 2018 *Water and Sewer Plan* placed this property in the Water and Sewer Category 3, Community System.

Capital Improvement Program (CIP):

The Prince George's County FY 2020-2025 Approved CIP identifies two CIP school projects- the Gwynn Park Middle School and the Gwynn Park High School- in Planning Area 85A-Brandywine Vicinity.

Police Facilities:

This Specific Design Plan was reviewed for adequacy of police services in accordance with Section 24-122.01(c) of the Subdivision Regulations. The subject property is in Police District V, Clinton, located at 6707 Groveton Drive in Clinton, Maryland. The response time standards established by Section 24-122.01(e) is ten-minutes for emergency calls (priority) and 25-minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted or within the three (3) monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met n one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020.

Reporting Cycle	Effective 12 Month Cycle	Priority	Non- Priority
Acceptance Date April 6, 2020		12	9
Cycle 1 May, 2020		12	9
Cycle 2 June, 2020			
Cycle 3 July, 2020			

The response time standards of 10 minutes for priority calls failed at acceptance and the following May cycle and passed the 25 minutes for non-priority calls. The applicant has two additional monthly cycles, to pass the police response time test, which includes both priority and non-priority response times. This referral will be updated as the proceeding three cycles become available prior to the Planning Board hearing.

Fire and Rescue:

This Specific Design Plan was reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) of the Subdivision Regulations. The response time standard established by Section 24-122.01(e) is a maximum of seven-minutes travel time from the first due station. Prince George's County Fire and EMS Department representative, James V. Reilly, stated in writing (via email) that as of February 20, 2020 the proposed project passed the seven-minute travel time standard from the Brandywine Volunteer Fire/EMS Co. 840, located at 13809 Brandywine Road, in Brandywine, Maryland.

Schools

This Specific Design Plan was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Prince George's County Code of Ordinances, Subdivision Regulations, and CR-23-2001 and CR-38-2002, and the *2020 Updated Pupil Yield Factors and Public School Clusters*. This property is located outside the I-495 Beltway. Staff conducted an analysis and the results are as follows:

Impact on Affected Public School Clusters by Dwelling Unit Type [ALL CALCUATIONS ARE ROUNDED TO THE NEAREST WHOLE NUMBER]

	Affected School Cluster			
	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6	
Total Proposed Dwelling Units (DU)	251 DU	251 DU	251 DU	
Single-Family Detached DU	125	125	125	
Pupil Yield Factor	0.158	0.98	0.127	
Total [PYF*DU]	20	13	16	
Townhouses	96	96	96	
Pupil Yield Factor	0.114	0.73	0.091	
Total [PYF*DU]	11	7	9	
Single-Family Attached (Duplex)	30	30	30	
Pupil Yield Factor	0.141	0.097	0.11	
Total [PYF*DU]	4	0	0	
Total Future Subdivision Enrollment	35	20	25	
Adjusted Student Enrollment 9/30/2019	4856	2912	3490	
Total Future Enrollment [TFE]	4891	2932	3515	
State Rated Capacity [SRC]	6381	3340	5206	
Percent Capacity [TFE/SRC]	77%	88%	68%	

Section 10-192.01 establishes school surcharges and an annual adjustment for inflation, unrelated to the provision of Subtitle 24. The current amount is \$9,741 per dwelling if a building is located between Interstate 495 and the District of Columbia; \$9,741 per dwelling if the building is included within a Basic Plan or Conceptual Site Plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$16,698 per dwelling for all other buildings. This fee is to be paid to Prince George's County at the time of issuance of each building permit.

At the writing of this referral the Special Projects Section recommends approval with the following conditions:

1. Prior to the Planning Board approval of the SDP, the applicant shall enter and submit a ratified Public Safety Mitigation Fee agreement with M-NCPPC -Prince George's County Planning Department for 251 dwellingsi.in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (CR-078-2005).

2.

3. Prior to the issuance of a grading permit for the development, A Public Safety Mitigation Fee shall be paid in the amount of \$1,246,968 (\$4,968 x 251 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,968 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

Countywide Planning Division Transportation Planning Section 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

301-952-3680

May 11, 2020

MEMORANDUM

TO: Adam Bossi, Urban Design Review Section, Development Review Division

FROM: Tem Masog, Transportation Planning Section, Countywide Planning Division

VIA: Katina Shoulars, Acting Chief, Countywide Planning Division

SUBJECT: SDP-1701-03: Timothy Branch

Proposal

The applicant is proposing residential development within areas RM-3 and the northern portion of RM-4 of the larger development known as Villages at Timothy Branch.

Background

The site is in the R-M Zone. The specific design plan (SDP) is a requirement for all development in comprehensive design zones, with the R-M being part of that zone family. The review focuses on conformity to the approved comprehensive design plan CDP-0902. In addition to reviewing the plan against the prior approved plan, attention is given to building and landscape design, drainage, conformity with prior tree conservation plans and landscape standards, and other environmental factors. Additionally, there is a requirement that the development be adequately served within a reasonable period of time with existing or programmed public facilities, or facilities otherwise provided as part of the development.

The underlying subdivision is Preliminary Plan of Subdivision 4-09003, and this plan will be compared against that plan for conformity to trip caps and other conditions as well. There is a prior SDP for infrastructure, SDP-1304. That plan has no transportation-related conditions. Prior application A-9987 contains several traffic-related conditions; those conditions will be verified herein.

Review Comments

The applicant proposes 251 residences, including 125 single-family detached and 126 townhouses/duplexes.

The table below summarizes the trip generation in each peak hour that will be used to demonstrate conformance to the PPS trip cap for the site:

Trip Generation Summary: SDP-1701-03: Timothy Branch								
	Use	AM Peak Hour		PM Peak Hour				
Land Use	Quantity	Metric	In	Out	Tot	In	Out	Tot
Current Proposal								
Single-Family Detached	125	units	19	75	94	74	39	113
Townhouse	126	units	18	70	88	66	35	101
Total: Current Proposal			37	145	182	140	74	214
Other Approvals and Pe	nding Prop	osals						
SDP-1701-01 Single- Family Detached	39	units	6	23	29	23	12	35
SDP-1701-01 Townhouse	212	units	30	118	148	110	60	170
SDP-1701-01 Two Over Two	72	units	10	40	50	38	20	58
SDP-1701-04 Multifamily	243	units	24	102	126	95	51	146
Total Trips for Approve	Total Trips for Approved/Pending Proposals		70	283	353	266	143	409
Total Trips Including Cu	rrent Prop	osal	107	428	535	406	217	623
Trip Cap: Per CDP-0901/CDP-0902/4-09003				1,269			1,775	

Access and circulation are acceptable. The overall circulation system conforms in large part to the underlying preliminary plan. All internal streets are adequately sized.

The overall site is affected by several planned transportation facilities.

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. This facility is adjacent to the area proposed for development under the current plan, and sufficient right-of-way was determined pursuant to PPS 4-09003.
- The A-63 facility traverses the site from north to south. Correct dedication of a 120-foot right-of-way is shown on the plan.
- The master plan includes I-503, a planned facility that was originally included in the 1993 Subregion V Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road, and to the Mattawoman Drive facility in the future. Outlot B shown on this plan was explicitly included as a future means of addressing this access need, and a sound wall is shown along the rears of Lots 13 to 20 Block J as a means of addressing potential future impacts.
- The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment reflects a future transit facility between Charles County and the Branch Avenue Metrorail station.

This facility is adjacent to the area proposed for development under the current plan. The plan reflects approximately 200 feet of buffering and berming to accommodate this future need.

Prior Approvals

Basic Plan/Zoning Map Amendments A-9987/A-9988 for this site were reviewed and approved by the District Council on June 16, 2008 (District Council Zoning Ordinance No. 17-2008). The District Council approved the basic plan with two traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows:

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

This condition was met during CDP and PPS review.

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)"

This condition was met during CDP and PPS review. Findings regarding all intersections were provided during those reviews.

Comprehensive Design Plan (CDP)-0902 for this site was reviewed and approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110), reconsidered and approved by the Planning Board on March 15, 2015 (PGBPB Resolution No. 10-110(A)), with both actions affirmed by the District Council. The Planning Board approved the CDP with five traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows:

2. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

This condition establishes an overall trip cap for the subject property of 1,269 AM and 1,775 PM peak-hour trips for the overall Villages at Timothy Branch site. The proposal, which combined with prior approvals and another pending case, would generate 535 AM and 623 PM peak-hour trips as noted in the table above.

- 37. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

Appropriate dedication was shown on the preliminary plan of subdivision.

- 38. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

This condition is discussed under Condition 19 of the PPS.

39. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property

owners in the area designated as Employment Area C in the Subregion 5 Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these offsite transportation improvements shall be payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family detached unit, a fee calculated as \$1,306 x (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

This condition (the quote above drops the means of payment and the extensive list of improvements intended for funding) requires payments to the Brandywine Road Club. This project's participation in the Brandywine Road Club was further confirmed by the recent adoption of Council Resolution CR-9-2017, and that resolution elevated the construction of Mattawoman Drive through the subject property to the top of the priority list. Pro-rata payments shall be required in accordance with the condition at the time of each building permit.

40. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.

The modification was made, and appropriate dedication was shown on the preliminary plan of subdivision.

PPS 4-09003 for this site was reviewed and approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117(A/1)). The Planning Board approved the PPS with four traffic-related conditions which are applicable to the review of this DSP and warrant discussion, as follows (Conditions 20 and 21 of the PPS are substantially identical to Conditions 46 and 2 of CDP-0902 respectively):

- 18. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

Appropriate dedication was shown on the preliminary plan of subdivision and will be accomplished as the property is platted.

- 19. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

As a means of determining that the development will be adequately served within a reasonable period of time with existing or programmed transportation facilities, or facilities otherwise provided as part of the development, a phasing plan for each improvement has been provided by the applicant.

The submitted phasing plan states that the CDP and PPS resolutions already allow Villages at Timothy Branch to move forward based solely on payment of the Brandywine Road Club fees, and the order of construction is based upon the availability of funds and the phased construction of items as required in CR-9-2017. This is not completely true, as this statement seems to be in conflict with Condition 38 of CDP-0902 which states that the applicant "shall provide the following transportation improvements" as noted in the condition and as proffered in the traffic study provided for review. The phasing for each item, as noted by the applicant, is described below:

- a. A third northbound through lane along US 301: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within Council Resolution CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier subject to available funding under the Brandywine Road Club.
- b. A northbound left-turn lane along US 301 at Mattawoman Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within Council Resolution CR-9-2017, this improvement is a later priority, and higher priorities within CR-9-2017 would be constructed earlier subject to available funding under the Brandywine Road Club.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive: The signalization is subject to warrants being met at the MD 381/Mattawoman Drive intersection. An initial signal warrant analysis has been done, and the signal warrant analysis will be redone upon completion of the full Mattawoman Drive connection from MD 381 to Matapeake Business Drive. This will allow the State to determine if the warrants are satisfied, and to make a decision on when the traffic signal should be installed. This is a reasonable timeframe for the completion of this improvement.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive: This improvement is subject to the payment of fees through the Brandywine Road Club. Pursuant to the priority project listing within Council Resolution CR-9-2017, this improvement is an earlier priority. The applicant is currently working with the County to complete the Mattawoman Drive connection from MD 381 to Matapeake Business Drive, and it is currently under construction (aerial photography confirms this). The applicant expects this connection to be open to traffic in late 2020. This is a reasonable timeframe for the completion of this improvement.

Conclusion

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.



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

Date May 11, 2020

MEMORANDUM

TO: Adam Bossi, Urban Design

FROM: Tempi Chaney, Permit Review Section

SUBJECT: SDP-1701-03 - Timothy Branch

- 1. Provide the correct use for the industrial property to the rear of Lots 16-18, Blk. J. Industrial is not a use.
- 2. If a 4.7 bufferyard is required behind the above referenced lots, demonstrate the buffer yard and the 4.7 landscape schedule on the landscape plans.
- 3. Will Sections RM-3 and RM-4 be using the same house architecture as previous sections?
- 4. Dimensions of all houses should be provided on the site plan either on individual lots or on a template sheet.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Department of Permitting, Inspections and Enforcement Site/Road Plan Review Division



MEMORANDUM

May 13, 2020

TO:

Adam Bossi, Subdivision and Zoning Section

Development Review Division, M-NCPPC

FROM:

Mary C. Giles, P.E., Associate Director many C. Hills 5/12/2020

Site/Road Plan Review Division, DPIE

RE:

Timothy Branch

Specific Design Plan No. 1701-03

CR:

Mattawoman Drive

In response to the Specific Design Plan No. 1701-03 referral, the Department of Permitting, Inspections and Enforcement (DPIE) offers the following:

- The property is located on the south side of Brandywine Road, approximately 1,000 feet from the intersection with Short Cut Road. Mattawoman Drive is a Master-planned Arterial Roadway (120' R/W). Roadway improvements and right-of-way dedication for Mattawoman Drive are required in accordance with Arterial roadway specification and standards.
- The proposed SDP-1701-03 is to accommodate a revision of the specific design plan in accordance with comprehensive design zones for residential development in RM-3 and portion of RM-4, which are located on the west side of Mattawoman Drive.
- Sidewalks and ADA ramps are required along all roadways within the property limits in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.

Adam Bossi May 13, 2020 Page 2

- The proposed specific design plan is consistent with approved Stormwater Management Concept Plan No. 11355-2009-02 dated January 24, 2020

If you have any questions or need additional information, please contact Mr. Nanji Formukong, District Engineer for the area, at 301.636.2060.

MAA:NF:dar

cc: Rene Lord-Attivor, Chief, Traffic Engineering, DPIE Nanji Formukong, District Engineer, S/RPRD, DPIE Salman Babar, CFM, Engineer, S/RPRD, DPIE Yonas Tesfai, P.E., Engineer, S/RPRD, DPIE Timothy Branch, Inc., 2124 Priest Bridge Drive, Suite 18 Crofton, Maryland 21114 McNamee & Hosea 6411 Ivy Lane, suite 200, Greenbelt, Maryland 20770



COMMISSIONERS

T. Eloise Foster, Chair Chris Lawson, Vice Chair Fausto R. Bayonet Omar M. Boulware Howard A. Denis Thomasina V. Rogers

14501 Sweitzer Lane • Laurel, Maryland 20707-5901

GENERAL MANAGER Carla A. Reid

April 18, 2019

Re: Amended Letter of Findings #8, WSSC Project No. DA9381Z92, Timothy Branch

Michael Gardiner Timothy Branch, Inc. 2124 Priest Bridge Drive Suite 18 Crofton, MD 21114

Dear Mr. Gardiner:

The letter of findings for the Timothy Branch project has been amended per your request. This amendment supersedes any previous letter of findings. The following changes have been approved: Parts 22 and 23 were added.

Please refer to the updated 200'-scale sketch enclosed along with the summary table and an all-inclusive list of project conditions provided below:

HYDRAULIC SUMMARY TABLE		
Proposed Development: 225 SFDU; 557 TH; 399 APT; 286,150 SF OFFICE; 60.700 SF		
RETAIL; 300,000 SF WAREHOUSE; 4.200 SF CLUBHOUSE; POOL		
200-ft Sheet: 218, 219, 220 SE 7&8		
SEWER WATER		
WWTP Service Area: Mattawoman	Hydraulic Zone Group: Prince George's High	
Mini-Basin Number: 21-993 & 21-996	Pressure Zone: 385B	
	High Grade: 385 feet	
	Low Grade: 326 feet	

Washington Suburban Sanitary Commission

The following is a list of conditions that apply to this project and must be met before a Systems Extension Permit (SEP) will be issued.

MANDATORY REFERRAL PROCESS

This project may be subject to the Maryland-National Capital Park and Planning Commission's Mandatory Referral Program, depending on its planned water / sewer infrastructures and associated appurtenances. It is the Applicant's responsibility to contact the appropriate County's Department of Park and Planning for specific guidance and their standards for Mandatory Referral Review. During Phase 2 Design Review, WSSC must be notified, if the project is subject to the Mandatory Referral Process.

CORROSION CONTROL

Based on your responses within the Corrosion Survey Checklist and our review of this site, it appears that sources of stray current have been identified within 2,000 feet of this site. In accordance with the requirements of the latest WSSC Pipeline Design Manual Part 3 Section 28, the Form "B" Corrosion Documentation will be required to be submitted as part of the design and cathodic protection may be required for this project. If you would like to discuss the corrosion control requirements for this site or locations of testing prior to the submission of the design plans, please contact Mark Lanham within the Engineering and Environmental Services Division at 301-206-8573.

SANITARY SEWER CONDITIONS

REQUIRED SANITARY SEWER MAIN SIZES

Gravity sewers larger than 8-inch may be required. The table below shows the design flow required for the segments indicated on the sketch. Refer to the latest WSSC Pipeline Design Manual for the list of standard maximum sewer sizes at allowable minimum slopes. All other sewer shall be 8-inch diameter gravity sewer.

Segment	Design Flow (mgd)
A-B	0.69

EXTRA-DEPTH SEWER

Due to the topography / grade of the street, it will be necessary to construct extradeep sewer ranging from 10 to 25 feet. See the latest WSSC Pipeline Design Manual, Section C-2.2, for easement width requirements for deep sewers. Any pipe deeper than 20 feet (trench bottom) will require a special design that takes into consideration future maintenance of the deep sewer.

SHALLOW-DEPTH SEWER

Due to the topography / grade of the street, it will be necessary to construct shallow sewer. A minimum cover of 3 feet must be maintained over the sanitary sewer.

ENVIRONMENTAL IMPACTS

The proposed sewer main outfall will impact wetlands, stream buffers, 100-year flood plain, steep slopes, and possibly large trees. The alignment may need adjustment during the design stage.

SHOW MINIBASIN BOUNDARY ON DESIGN PLANS

This project will be served by more than one sewer system minibasin. Design plans that encompass more than 1 minibasin should indicate the boundary as shown on the attached sketch.

WATER MAIN EXTENSION CONDITIONS

LARGE DIAMETER WATER MAINS IN THE VICINITY

There are 16-inch and 30-inch diameter water mains located in the vicinity of this project. WSSC records indicate that the pipe material is Ductile Iron (DI). Prior to submittal of Phase 2 System Integrity review, it is the applicant's responsibility to test pit the line and determine its exact horizontal and vertical location as well as to verify the type of pipe material. *The applicant's engineer is responsible for coordinating with WSSC for monitoring and inspecting test pits for this project.* Results of the test pit findings must be accurately depicted on ALL Phase 2 plan submittals and support documents.

Please refer to the latest WSSC Pipeline Design Manual, Part 3, Section 11, Loading Analysis, for additional general information and guidance.

REQUIRED WATER MAIN SIZES

The diameters of the proposed mains, <u>4, 8, 10 and 16 inches</u>, are shown on the attached sketch.

INSTALL TWO 14-INCH ISOLATION VALVES ON THE EXISTING 16-INCH WATER MAIN

Install two 14-inch isolation valves on the existing 16-inch water main, with Parts 6 and 23. The location of the valves is shown on the sketch. Provide sufficient numbers of isolation valves on the additional new mains to provide redundancy. Isolation valves are required on existing public mains when a proposed main

connects to an existing public main. Keep valves *Open*. The installation of these valves must be coordinated with WSSC.

CAPITAL IMPROVEMENT PROGRAM (CIP)

This project has been designated a "major project" since 5,750 feet of 16-inch diameter water main are required. Therefore, County approval is required. CIP Project No. W-120.14 (Parts 6, 9, and 22), are included in WSSC's CIP. Please submit a cost estimate for the CIP projects to the Development Services Group, as well as the estimated start date and duration of construction, in order to update the project in the CIP.

Costs paid by the Applicant to construct a CIP-sized main may entitle the Applicant to a credit or reimbursement of the System Development Charge (SDC) imposed by WSSC. The amount of the credit will be subject to an SDC Credit Agreement. Please declare in writing if you want this project to be considered for SDC credits and/or reimbursement. The declaration must be received no later than the first design plan submittal to be considered for SDC credits and/or reimbursement.

If the total construction costs plus the other costs is equal to or greater than \$500,000, then prevailing wages are required for the portions of CIP projects that are eligible for SDC Credit/Reimbursement.

PRESSURE REDUCING VALVES REQUIRED

Due to high water pressure conditions (greater than 80 psi), the on-site plumbing system requires pressure reducing valves for buildings with first floors below 200 feet.

INSTALL BOOSTER PUMPS

Due to low water pressure conditions (less than 40 psi), the on-site plumbing system requires booster pump installation. Booster pumps are required for buildings with first floor levels above elevation 233 feet.

OUTSIDE METERS

Any residential water service over 300 feet in length will require an outside meter. For commercial water service connections, built to serve a standard or minor site utility (on-site) system over 80 feet in length, WSSC would prefer an outside meter in a vault, however an indoor meter may be allowed under certain conditions.

METERS FOR PRINCE GEORGE'S COUNTY CONDOMINIUMS

Pursuant to HB218, which was enacted June 1, 2018, condominium projects may not be served by a master meter for billing purposes. Each unit shall be provided with a separate billing meter. Any SU, MSU, SEP or Plumbing Plan that has not be submitted prior to this date is required to follow the new law. Design plans for such

projects will be place on hold until appropriate new or revised policies and guidelines are developed by WSSC.

SERVICE DEPENDENT ON OTHER CONSTRUCTION

Since this project will be built in separate parts, the following table provides information on which parts are dependent on the other parts being constructed and released for service:

Part	Dependencies	Part	Dependencies
5,7	None	14	6,12
6	14"V Installation on 16"W	15	6,12,14
8	6	16	6,8,9
9	6	17	6
10	7	18	6,9
11	6, 8	19	23 - 14"V Installation on 16"W
12	6	20, 21	None
13	6,12	22	9
		23	None

EASEMENT CONDITIONS

GENERAL

WSSC easements must be free and clear of other utilities, including storm drain systems, ESD devices, gas, electric, telephone, CATV, etc., with the exception of allowed crossings designed in accordance with the WSSC Pipeline Design Manual. Landscaping and Hardscaping are also not allowed without approval. Under certain conditions (and by special request) the items listed above may be permitted within the WSSC easement. However, this will be evaluated on a case by case basis and if allowed, will require execution of a special agreement and/or Hold Harmless Agreement between WSSC and the developer.

PRIVATE STREET & ALLEY EASEMENT REQUIREMENTS

Service mains proposed for this project are located in roadways that are or may be private. Private water and sewer mains are preferred in private streets and alleys. If the applicant desires public water and sewer mains in these private streets and alleys, then the following criteria must be met:

- All separation requirements in the latest WSSC Pipeline Design Manual (PDM) must be met.
- A 10 foot Public Utility Easements (PUE) shall be provided on both sides of the private street and/or alley or space within the private street will be

- provided to assure PDM separations are met and limiting utility crossings of the WSSC water and sewer lines.
- Blanket easements for other utilities (gas, electric, telephone, CATV, fiber optic, etc.) within the private street and/or alley parcel will not be allowed. The HOA documents shall not provide for a blanket easement across and under a private street and/or alley parcel.
- Dry utilities are to be located in the PUE or as described above. No dry utilities are to be placed within the WSSC easement for public water and sewer except to cross perpendicular to the public water and sewer mains.
- The storm drain system located in a private street and/or alley containing public water and sewer mains shall also be public and maintained by the County.

COORDINATION WITH OTHER BURIED UTILITIES

Refer to the latest WSSC Pipeline Design Manual Pages G-1 and G-2 for utility coordination requirements. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC easement unless specifically approved by WSSC. Longitudinal occupancy of WSSC easements (by other utilities) is not permitted. Proposed utility crossings of WSSC pipelines or easements that do not adhere to WSSC's pipeline crossing and clearance standards will be rejected at the design plan review phase. Refer to the latest WSSC Pipeline Design Manual Part Three, Section 3. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including impacts to proposed street and building layouts.

The applicant must provide a separate "Utility Plan" to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and easements. Upon completion of the site construction, any utilities that are found to be located within WSSC's easements (or in conflict with WSSC pipelines) must be removed and relocated at the applicant's expense.

IMPACTS DUE TO GRADING / PIPE LOADING CHANGES

Any grading, change in pipe loading (including but not limited to proposed fill or excavation), adjustment to manhole rims, fire hydrant relocations, placement of access roads or temporary haul roads, temporary sediment control devices, paving construction or construction related activity of any kind over an existing WSSC water or sewer main or within an existing WSSC easement requires advance approval by WSSC. Any proposed public street grade establishment plan (GEP) with an existing WSSC water or sewer main of any size located within the existing or proposed public street easement requires WSSC approval directly on the original GEP prior to approval of the GEP by the County Department of Public Works and Transportation. Any work (design, inspection, repair, adjustment, relocation, or abandonment) of existing WSSC facilities is done at the sole expense of the applicant / builder / developer. For Relocations work

associated with a Systems Extension Project or a Site Utility Project, contact the Development Services Division. Please arrange for this review before plan submittal. See WSSC Design Manual C-11.

PROVIDE FREE EASEMENT TO WSSC

Easements across your property for water and sewer line placement must be provided at no cost to the WSSC. The Applicant shall execute and deliver on-property easements prior to plan approval in accordance with the Development Services Code, which shall constitute an irrevocable offer by the Applicant to convey all on-property easements to WSSC.

ADHERE TO MINIMUM EASEMENT WIDTHS

The minimum easement width for a normal (14 inches diameter or less) extension, either water or sewer, installed at normal depth is 20 feet. A minimum easement width of 30 feet is required when both normal-diameter water and gravity sewer lines are installed in the same easement at normal depth. Installation of deep or large water and / or sewer mains will require additional easement width. For minimum horizontal separation between a building and a WSSC pipeline, refer to the requirements in the latest WSSC Pipeline Design Manual, Part Three, Section 3.c.2. Based on WSSC requirements, the minimum spacing between adjacent buildings with both water and sewer lines between them should be at least 40 feet and, in some cases, greater when connections, fire hydrants, or deep sewer or water lines are involved. Balconies and other building appurtenances are not to be within the easement. Additionally, water and sewer pipeline alignment should maintain 5 feet horizontal clearance from storm drain pipeline / structures and other utilities.

CONNECTION AND SITE UTILITY CONDITIONS

MINIMIZE CONNECTION LENGTHS

The length of all connections should be minimized.

SITE UTILITY PROCESS REQUIRED

The Site Utility process is usually required for water lines greater than 2 inches in diameter or sewer lines greater than 4 inches. Contact Permit Services at 301-206-8650 or at www.wsscwater.com for more information on electronic submittal of Site Utility plans.

ENVIRONMENTAL CONDITIONS

The applicant must resolve all environmental issues directly with the Environmental reviewer. All outstanding environmental issues must be resolved prior to the Design Phase.

Timothy Gardiner April 18, 2019 Page 8

The next step in the process is Phase 2, Review for System Integrity. Contact Permit Services at 301-206-8650 or at www.wsscwater.com for more information on electronic submittal of System Integrity Review Packages.

This Letter of Findings will expire if no "actions" are taken by the applicant over the 3-year period following the date of this letter. For definition of "actions", see the latest Development Services Code, Section 405.1.1.

Should you wish to schedule a pre-design meeting, or if you have any additional questions or concerns, please contact me at (301) 206-8823, or arussel@wsscwater.com.

Sincerely,

Ann M. Russell

Ann M. Rossell

Project Manager

Development Services Division

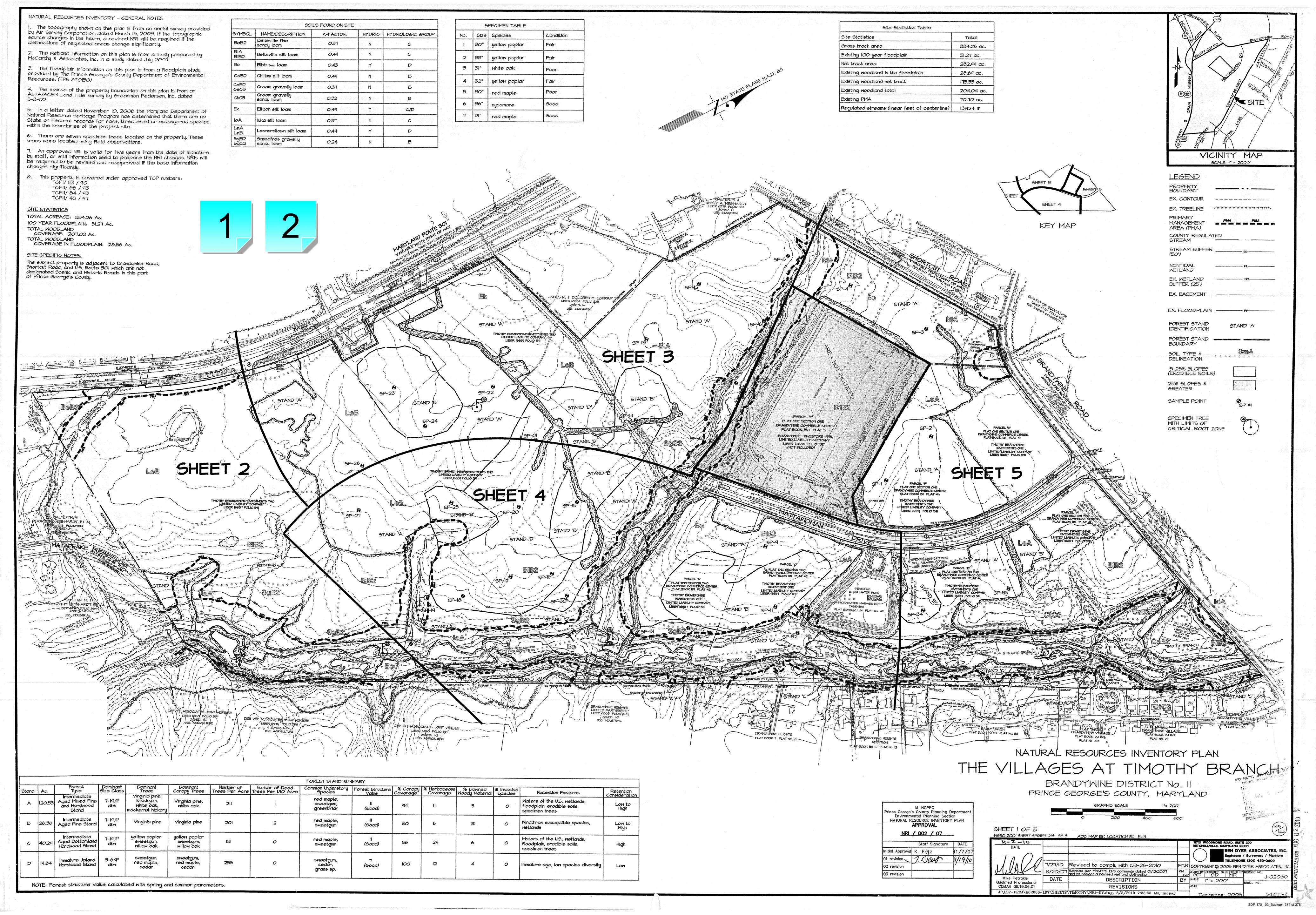
Enclosure: 200'-scale sketch

cc: Ben Dyer – Mike Novy, Yev Galchevskiy

Ms. Beth O'Connell - Development Section Manager

Ms. Shirley Branch - Department of Permitting, Inspections & Enforcement

(DPIE)



DL_200416_22824_19940_1090702718_0.pdf - Changemark Notes (2 Notes)

1 - -WSSC Standard Comments for All Plans

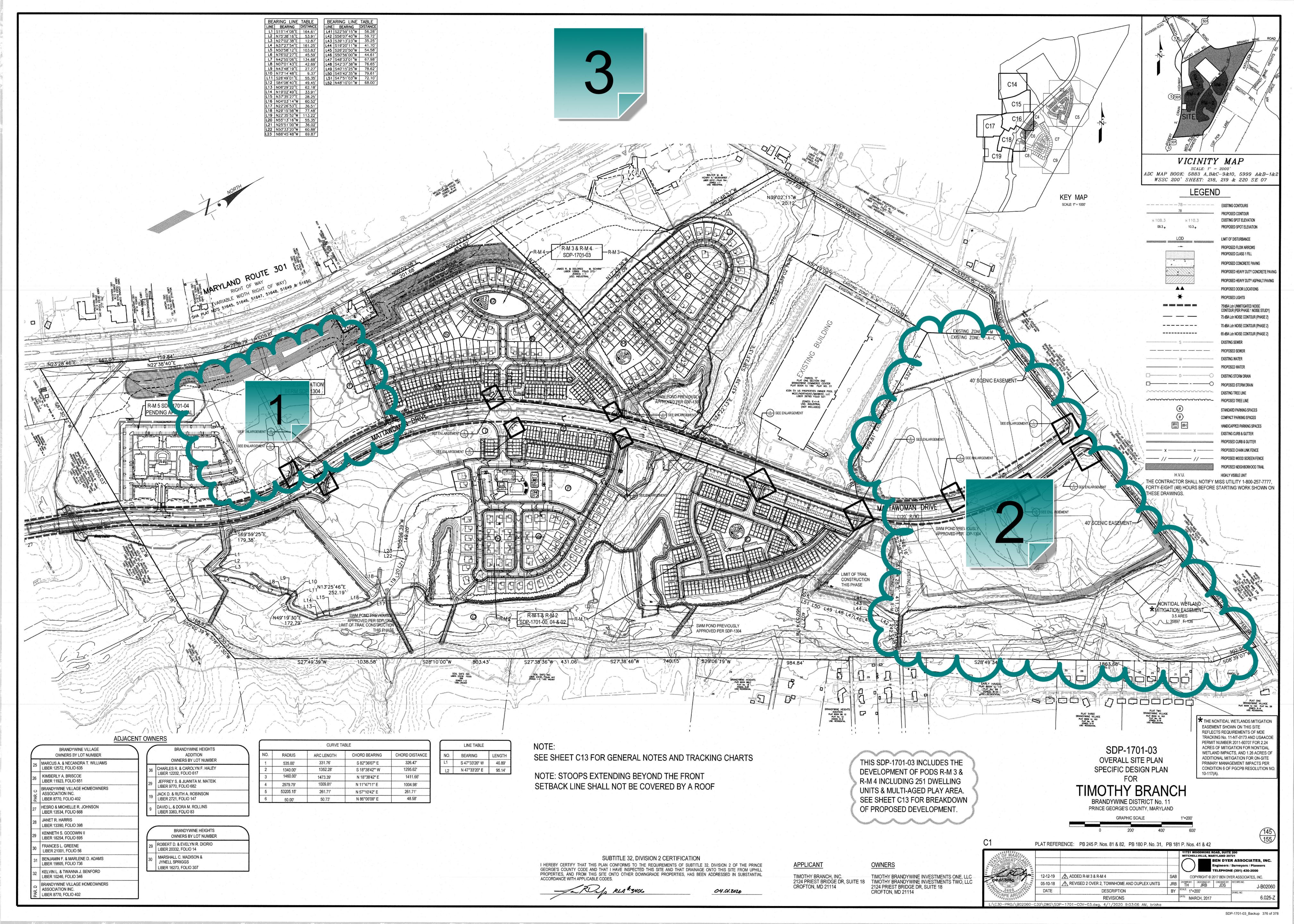
Created by: Dave Margolis On: 04/09/2020 03:00 PM

- 1. WSSC comments are made exclusively for this plan review based on existing system conditions at this time. We will reevaluate the design and system conditions at the time of application for water/sewer service.
- 2. Coordination with other buried utilities:
- a. Refer to WSSC Pipeline Design Manual pages G-1 and G-2 for utility coordination requirements.
- b. No structures or utilities (manholes, vaults, pipelines, poles, conduits, etc.) are permitted in the WSSC right-of-way unless specifically approved by WSSC.
- c. Longitudinal occupancy of WSSC rights-of-way (by other utilities) is not permitted.
- d. Proposed utility crossings of WSSC pipelines or rights-of-way that do not adhere to WSSCs pipeline crossing and clearance standards will be rejected at design plan review. Refer to WSSC Pipeline Design Manual Part Three, Section 3.
- e. Failure to adhere to WSSC crossing and clearance standards may result in significant impacts to the development plan including, impacts to proposed street, building and utility layouts.
- f. The applicant must provide a separate Utility Plan to ensure that all existing and proposed site utilities have been properly coordinated with existing and proposed WSSC facilities and rights-of-way.
- g. Upon completion of the site construction, utilities that are found to be located within WSSCs rights-of-way (or in conflict with WSSC pipelines) must be removed and relocated at the applicants expense.
- 3. Forest Conservation Easements are not permitted to overlap WSSC existing or proposed easements. Potential impacts to existing Forest Conservation Easements (due to proposed water and/or sewer systems) must be reviewed and approved by County staff.
- 4. Unless otherwise noted: ALL extensions of WSSCs system require a request for Hydraulic Planning Analysis and need to follow the System Extension Permit (SEP) process. Contact WSSC's Permit Services Section at (301-206-8650) or visit our website at https://www.wsscwater.com/business--construction/developmentconstruction-services.html for requirements. For information regarding connections or Site Utility (on-site) reviews, you may visit or contact WSSC's Permit Services Section at (301) 206-4003.

0 Replies	
-----------	--

2 - -WSSC Plan Comments

Created by: Dave Margolis On: 04/09/2020 03:01 PM
Plan #SDP-1701-03 Timothy Branch Outlots C and D
0 Replies



DL_200416_22824_17580_1080031359_1.pdf - Changemark Notes (3 Notes)

1 - Missing Information

Created by: Fred Mejias On: 04/16/2020 08:16 AM

This submission is missing developmental information. Information submitted to WSSC includes proposed development in this location.

Please see attached Approved HPA LOF and Sketch under Contract# DA9381Z92.

----- 0 Replies -----

2 - Missing Information

Created by: Fred Mejias On: 04/16/2020 08:20 AM

This submission is missing developmental information. Information submitted to WSSC includes proposed development in this location.

Please see attached Approved HPA LOF and Sketch under Contract# DA9381Z92.

----- 0 Replies -----

3 - Design Comment/Hydraulic Comments

Created by: Fred Mejias On: 04/16/2020 08:23 AM

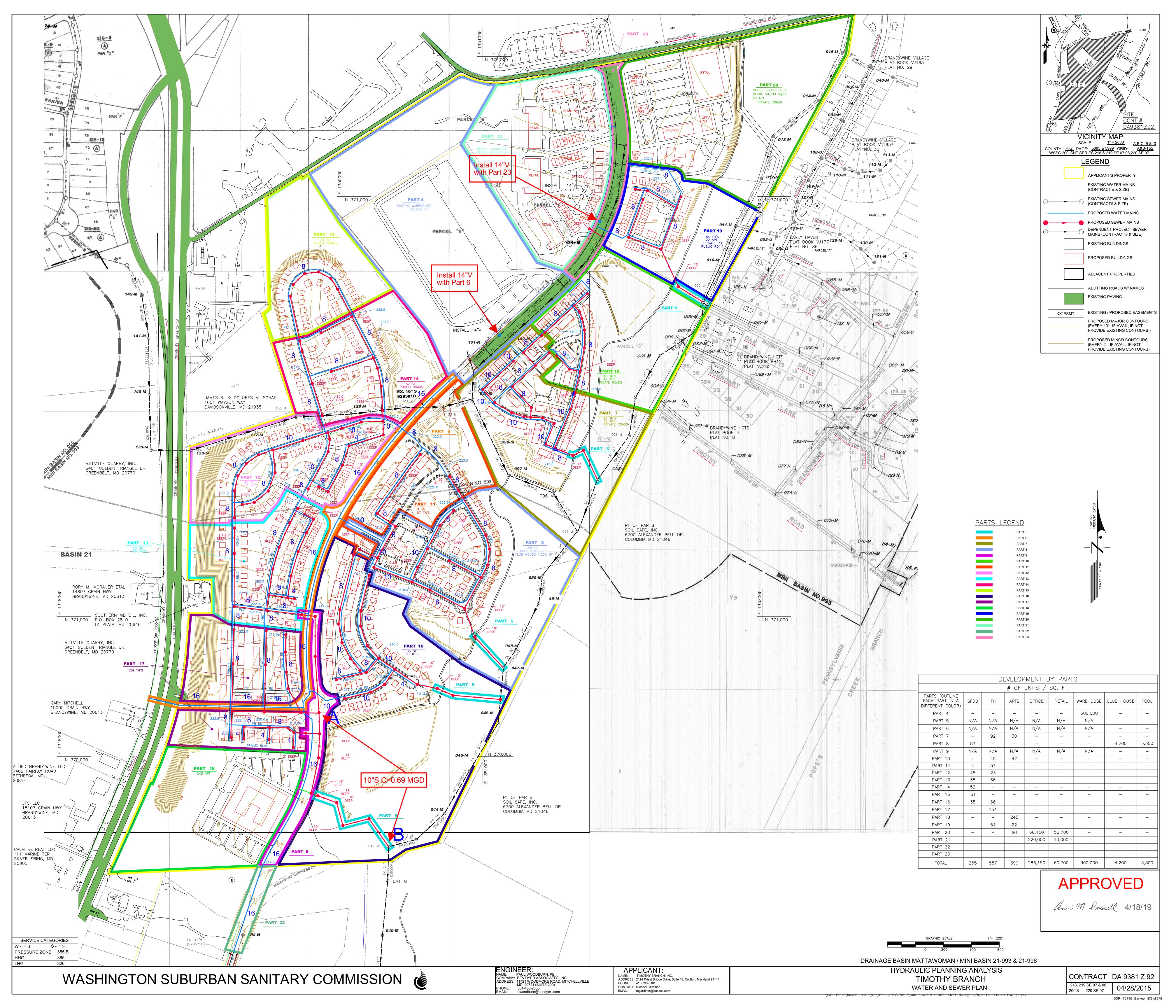
On July 6, 2017 I provided the following comments which have not altered, except that the HPA has been updated on April of 2019:

A proposed site development project was previously submitted to WSSC (DA9381Z92) and is a conceptually approved project. Contact Ann Russell at (301) 206-8823 or Ann.Russell@wsscwater.com for information.

Because this has been approved, any modifications or changes may require an Amendment to be submitted to reflect the changes that are shown on this SDP.

See the attached Letter of Findings for existing WSSC project number DA9381Z92 approved on April 18, 2019.

----- 0 Replies -----



AGENDA ITEM: 7 AGENDA DATE: 6/11/2020

Additional Back-up

For

SDP-1701-03 Timothy Branch

Timothy Branch SDP-1701-03

* * * * * * * *

Applicant's Proposed Amended Finding:

* * * * * * * * *

8. Prince George's County Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the R-M and M-I-O Zones of the Zoning Ordinance. Since no development is proposed within the L-A-C Zone portion of the property by this SDP amendment, conformance with those requirements is not required at this time.

* * * * * * * * *

(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;

The subject property of the Villages at Timothy Branch is governed by an approved and valid PPS, 4-09003, that meets the adequacy test for the required transportation facilities serving this development through conditioned traffic improvements and contribution to the Brandywine Road Club. In addition, the development will be served with adequate public facilities including water, sewer, schools, and fire and rescue services.

The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the following May cycle, and passed the 25 minutes for non-priority calls.

As such, the development will not be served by adequate public facilities (for police emergency service only) and a public safety mitigation agreement is required, and associated fee must be contributed, as conditioned herein.

Regarding police facilities and response times, Subtitle 24 of the County Code provides the only authority for the Planning Board to test adequate police facilities. The property is governed by an approved and valid preliminary plan of subdivision, 4-09003, and at the time of preliminary plan, the development was tested and met all of the requirements for adequate public facilities, including police response time testing. The Planning Board's powers and authority to test police response times and require a mitigation agreement is set forth in Section 24-122.01(e)(1)(D)(2) and Section 24-122.01(e)(2) of the Subdivision Regulations and in the "Guidelines for the Mitigation of Adequate Public Facilities: Public

Safety Infrastructure" (adopted with CR-78-2005), which states that the police response time test shall be conducted at the time an application for a preliminary plan of subdivision is accepted, and any mitigation agreement required therein may only be applied to approve a preliminary plan of subdivision. The Planning Board has no other legal authority or power to require the police response time test or mandate mitigation at the time of SDP under State or County law. SDP-1701-03 is consistent and in conformance with the approved and valid preliminary plan of subdivision, 4-09003, which governs this development. Moreover, the adopted FY 21 Budget includes funding for a new District V Police Station (CIP No.: 3.50.0002) to better serve the area. As such, the development will be adequately served with existing or programmed public facilities.

* * * * * * * *

Applicant's Proposed Amended Conditions:

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1701-03 and Type 2 Tree Conservation Plan TCP2-068-93-05 for Timothy Branch, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall provide the following information and/or revise the site plan to provide the following:
 - a. Show a sidewalk connection along the east side of Ring Hourse Road, extending from Lot 1 to the sidewalk along General Maxwell Drive, for a continuous pedestrian connection.
 - b. Identify the townhouse and single-family dwelling lots in need of noise mitigation measures on the SDP.
 - c. Revise the exterior light detail provided and add the following note to the SDP: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - e. Provide <u>seven</u> shade trees within Parcel A, Block Q open space to provide relief to the playground and portions of the open field.
 - f. Revise the <u>SDP and the</u> photometric plan to show sufficient lighting within the alleys.
 - g. The applicant shall enter and submit a ratified Public Safety Mitigation Fee agreement with the Maryland-National Capital Park and Planning Commission Prince George's County Planning Department for 251 dwellings, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (Prince George's County Council Resolution CR-078-2005).
 - h. Update the Development Data Summary to correctly reflect a total of 250 dwelling units and 124 single-family detached units

- 2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - a. Fully delineate and label the required 40-foot-wide scenic easement on the frontage of MD 381 (Brandywine Road).
 - b. Include all recommended noise barriers proposed for RM-3 and RM-4 with SDP-1701-03 on the plan. To provide maintenance access, all noise barriers shall be setback 5 feet from the lot line, and woodland conservation areas shall be set back 10 feet from a noise barrier. Except for Lots 13-20, Block J and Lots 14-15, Block P, the noise barrier may be adjacent to the lot line, but a 5-foot-wide maintenance access easement shall be provided along the rear of the lots.
 - c. The top and bottom elevation of noise buffers shall be shown on the plan.
 - d. All woodland conservation less than 50 feet in width shall be eliminated as woodland conservation or revised to meet the minimum design criteria for width.
 - e. Revise the General Notes if necessary, to reflect the current TCP2 revision.
 - f. Revise the plan as necessary to be consistent with the SDP.
 - g. Add an Owner's Awareness Certificate to the cover sheet.
 - h. After all required revisions are made, revise the woodland conservation worksheet to correctly reflect the woodland conservation required and fulfilled for the site.
 - i. Have the revised plan signed and dated by Qualified Professional who prepared it.
- 3. Prior to the approval of the first building permit for RM-3 and or RM-4, all afforestation/reforestation planting, permanent tree protection fencing, and signage within that development pod shall be installed and completed.
- 4. Prior to the approval of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$1,246,968 (\$4,968 x 251 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Prince George's County PlanningBoard and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,968 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

KEY:

<u>Underline</u> indicates language added to findings/conditions; <u>Strikethrough</u> indicates language deleted from findings/conditions; Asterisks *** indicate intervening existing findings/conditions that remain unchanged.



Matthew C. Tedesco, Esquire Admitted in Maryland

McNamee Hosea

mhlawyers.com

E-mail: MTedesco@mhlawyers.com Direct Dial: Extension 222

June 9, 2020

Electronically Submitted

The Honorable Elizabeth M. Hewlett, Chair and The Honorable Planning Board Commissioners Prince George's County Planning Board M-NCPPPC 14741 Gov. Oden Bowie Drive Upper Marlboro, Maryland 20770

Re.:

Timothy Branch (SDP-1701-03)

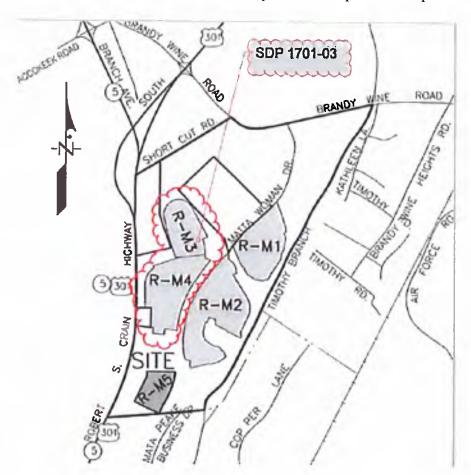
Agenda Item No. 7

Dear Chair Hewlett and Planning Board Commissioners:

This Firm represents the applicant, Timothy Branch, Inc., and we respectfully submit this letter in response to certain recommended findings and conditions contained in the Technical Staff Report ("TSR") for the above-referenced matter. We request that this letter/memorandum (and all exhibits attached hereto) be entered into the administrative record for Specific Design Plan SDP-1701-03.

As you know, the overall development of Timothy Branch is a large tract of land currently under various phases of development and construction, and is located on the east side of Robert S. Crain Highway (US 301), southeast of its intersections with Branch Avenue (MD 5) and Brandywine Road (MD 381), in Planning Area 85A, Councilmanic District 9. Specifically, the development is the subject of a number of approvals and entitlements, which has already facilitated the construction of certain phases of the project. On July 11, 2008, Zoning Map Amendments (Basic Plans) A-9987 and A-9988 were approved by the District Council (to wit: Zoning Ordinance No. 17-2008), which rezoned the overall property from the I-3 and E-I-A Zones to the L-A-C and R-M Zones, subject to 12 conditions and one consideration. Comprehensive Design Plan CDP-0902, for the R-M-zoned portion of the subject property, was approved by the Planning Board on October 7, 2010 (PGCPB Resolution No. 10-110). The District Council elected to review the case, which they did at a hearing on November 14, 2011. The District Council remanded CDP-0902 to the Planning Board on January 23, 2012, and the case was reapproved by the Planning Board on April 5, 2012. The District Council reviewed the second approval and issued an order of approval on November 4, 2013, subject to 50 conditions. Preliminary Plan of Subdivision 4-09003 was originally approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117), subject to 41 conditions. However, on December 9, 2011, the owner/applicant requested reconsideration of Finding 14 and Condition 41 related to the Police Department's response time reporting. On January 5, 2012, the Planning Board approved the request for reconsideration. On April 5, 2012, the Planning Board heard testimony regarding the reconsideration and reapproved Preliminary Plan 4-09003 whereby it corrected Finding 14 and deleted Condition 41 (PGCPB Resolution No. 10-117(A)). A Specific Design Plan, SDP-1304, for Infrastructure, which included, among other things, clearing, grading, roadway extension of Mattawoman Drive (A-63 a/k/a the "Spine Road"), frontage improvements, utility pipes, and stormwater pond construction for the entire site, was approved by the Planning Board on November 13, 2014 (PGCPB No. 14-116), subject to 3 conditions. On March 19, 2015, the Planning Board approved an amendment to CDP-09002 (PGCPB No. 10-110(A)) to adjust the findings and conditions associated with off-site recreation facility improvements, and instead required a fee in lieu for the same. Specific Design Plan SDP-1701 was approved by the Planning Board on September 14, 2017 (PGCPB No. 17-119) that covered the overall development and included the first phase of residential construction in RM 1 and portions of RM 2, to include 39 single-family detached units, 18 single-family semidetached units, 194 single-family attached units, and 72 two-family attached residential units, collectively known as Phase I of the overall development. This phase is currently under construction with a number of home sales having already occurred with new residents residing in RM 1 and RM 2. Attached hereto as Exhibit 1 are photographs taken on June 5, 2020 depicting images of the status of Phase 1. I am happy to report that the pace of sales for Phase 1 has elevated the Timothy Branch project as one of the fastest selling projects in all of Prince George's County.

SDP-1701-03 contemplates the continued development of the project in RM 3 and RM 4, consisting of 124 single-family detached units, 30 single-family semidetached units, and 96 single-family attached units, collectively known as Phase II. For clarity, the area in question is depicted below:



We have reviewed the TSR that has been published in this case, and although we greatly appreciate Staff's recommendation of approval, we very strongly object to certain findings and conditions related to Staff's re-testing of the police response times in this matter. To that end, we are requesting that Staff's recommended findings and conditions related to police response times be revised and deleted, as provided in Exhibit 2. In further support thereof, we offer the following:

I. At the time specific design plan, the Planning Board has no authority under Section 27-528(a)(2), specifically, or Subtitle 27, generally, to either re-test police response times or impose/require a mitigation agreement.¹

As it will be a common theme throughout this document, the applicant strongly contends that Staff erred in this matter when it re-tested the police response times during its review of SDP-1701-03. Specifically, based on the date that the application for SDP-1701-03 was accepted (i.e., April 6, 2020), the Special Projects Section erroneously conducted a new test of the police response times pursuant to Section 24-122.01(e)(1)(D). This analysis was subsequently incorrectly adopted by the Urban Design Staff and is memorialized on page 13 of the TSR in Finding 8, under the Section 27-528(a)(2) analysis.

This, however, is a misapplication of law and seeks to have the Planning Board make findings and impose conditions beyond any authority granted to the Planning Board at the time of specific design plan.

a. The Land Use Article and the County Code grant separate powers to the Planning Board related to Subdivision and Zoning.

The concept of zoning and subdivision, while related, are nonetheless separate and distinct functions. Although "subdivision" refers to the division and consolidation of parcels of land, or the land that has been divided or consolidated, (see Land Use Article §§ 1-101(r), 14-101(q)), the regulations controlling how, when, and under what circumstances subdivision may occur are used to promote development that is beneficial to the community. See People's Counsel for Baltimore Cty v. Surina, 400 Md. 662, 689, 929 A.2d 899, 915 (2007); Coffey v. Maryland-National Capital Park & Planning Commission, 293 Md. 24, 27-28, 441 A.2d 1041, 1043 (1982). Specifically, subdivision controls aim to ensure that developments will be able to support the uses for which the land is zoned. Surina, 400 Md. at 689, 929 A.2d at 915. Among the considerations addressed are the aesthetic planning of the neighborhood, safety and convenience of streets and walkways, access by police and fire protection authorities, adequacy of utilities and other infrastructure, and the off-site effect of the development. I James A. Kushner, Subdivision Law and Growth Mgmt. § 1:5 (2d ed. 2012); see also L.U. § 23-106(a). Subdivision regulations attempt to respond to issues that are not so well-addressed through zoning County Council of Prince George's County v. Zimmer Development Co., 444 Md. 490, 120 A.3d 677, 697 (2015). Included in these subdivision controls are provisions that require the developer/property owner to construct infrastructure improvements of various types necessary to support "uses" permitted in the zone by the applicable zoning regulations. Surina, 400 Md. at 688-89, 929 A.2d at 914-15. In other words, subdivision creates the test or methodology necessary to determine whether the uses permitted in the applicable zone are adequately served by public facilities.

Indeed, the Land Use Article of the Annotated Code of Maryland distinguishes Subdivision (Title 23) from Zoning (Title 22), and the former grants the Planning Board with exclusive authority to review and approve the same.² Section 23-106(a) of the Land Use Article provides that the County Council of

¹ The arguments put forth by the applicant in Section I are further supported by Mr. Stan Brown, Esq., People's Zoning Council, who provided undersigned counsel with a written summary of his legal opinion related to the same. Mr. Brown's letter is attached as Exhibit 14.

² <u>See Brzowski v. Maryland Home Imp. Comm'n.</u> 114 Md. App. 615, 626, 691 A.2d 699, 704 (1997) ("Administrative agencies derive all their authority and power from the enabling statutes that govern them." (Internal citations omitted). Stated differently, agencies have no powers beyond those that have been conferred upon them by statute. A determination of the limits of an agency's authority, therefore, requires a construction of an agency's enabling statute." (Internal citations omitted).).

Prince George's County, by local law, may impose standards and requirements for the purpose of avoiding scattered or premature subdivision or development of land because of the inadequacy of transportation, water, sewage, drainage, schools, or other public facilities. The County Council has done just that pursuant to its adoption of Subtitle 24 of the County Code. Specifically, pursuant to CB-100-1989 (Exhibit 3), Subtitle 24 contains the exclusive authority of the Planning Board to administer the adequate public facilities test(s) to a development in accordance with the Adequate Public Facilities Ordinance.

The public facility adequacy test, including the police response time test (and any mitigation required thereunder), as authorized by the County Council and the Land Use Article, remains soundly within Subtitle 24, and not Subtitle 27. Simply stated, the Planning Board's authority to actually administer a new public facilities adequacy test, which is distinguishable from a comparative analysis later in the development process, is solely limited to applications for a preliminary plan of subdivision – under Subtitle 24, and not an application for a specific design plan – under Subtitle 27.

b. The police response time test is required to be done at the time an application for a preliminary plan of subdivision is accepted, and not at the time the specific design plan application is accepted.

The police response time test was initially created by CB-89-2004 (Exhibit 4) and further amended by CB-56-2005 (Exhibit 5), and is codified in Section 24-122.01(e)(1)(D) of the Subdivision Regulations. (Exhibit 6). That section is within Subtitle 24 of the County Code, which deals exclusively with "Subdivisions." A preliminary plan of subdivision, and the Planning Board's review and approval of the same, pursuant to the division of authority granted to the Planning Board under the Regional District Act, is the appropriate and only application to test and determine the adequacy of public facilities. Indeed, Section 24-122.01(e)(1)(D), requires the Police Chief to provide the "rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision." (Emphasis added). There is absolutely no authority in Subtitle 27, let alone in Section 27-528(a)(2), that requires the Police Chief to send response times in the vicinity of the property proposed for a specific design plan. Consequently, there is no authority granted to the Planning Board in reviewing an application for a specific design plan to utilize police response times since the reporting of that data (and the findings/conditions derived therefrom) is strictly limited to property proposed for subdivision (i.e., property that is the subject of a preliminary plan of subdivision application).

Most alarming in this case is that despite the fact that the Planning Director, vis-à-vis a letter dated August 26, 2019, to County Executive Angela D. Alsobrooks and County Council Chair Todd M. Turner, confirmed that the police response time test is only applicable to the review of an application for a preliminary plan of subdivision, Staff remains committed to impermissibly apply the police response time test outside of the four corners of an application for a preliminary plan of subdivision. (See Exhibit 7). The Planning Director's letter states that "[i]t should be noted that these police response times are only used for residential development applications. The review of preliminary plans of subdivision for commercial and industrial development applications are based on the square footage of space in all facilities used by the Prince George's County Police Department and the County population." (Id.). The Director's letter goes on to state, and confirm the applicant's contentions, that:

Staff is also providing some background information to explain how response times are used in the development review process. Attachment 1 contains text from the <u>Subdivision Ordinance and CR-78-2005</u> and a graph of the location of the police districts for your ease of reference.

Section 24-122.01(e)(1)(D) of the <u>Subdivision Regulations</u> states that the Police Chief will provide a statement with the twelve-month average adjusted monthly (referred to as the "rolling average" hereinafter) for non-emergency and emergency response times.

When the County Council adopted CR-78-2005, the Council established new guidelines for mitigation of adequate public facilities for public safety infrastructure. The response times standards in <u>Section 24-122.01(e)(1)(D) of the Subdivision Ordinance</u> were reiterated in this resolution, but the resolution provided a new mitigation formula if the rolling average for police response times was beyond the standards set.

Section 24-122.01(e)(2) permits an application [for a preliminary plan of subdivision] to be tested for three more monthly cycles if the response times are not met. If response times less than 20 percent above the required emergency response time are still not met, then the Planning Board may not approve the <u>preliminary plan of subdivision</u> until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board....

(Exhibit 7) (emphasis added). Attachment 1 to the Planning Director's August 26, 2019 letter is entitled, "Excerpts from the <u>Subdivision Ordinance and Council Resolution</u> Regarding Police Response Times." (Emphasis added). These excerpts, identical to what is provided herein, provide quotes from Section 24-122.01(e)(1)(D), Section 24-122.01(e)(2), and CR-78-2005. All of which deal solely and exclusively to the utilization of the police response time test at the time of preliminary plan of subdivision. Simply stated, and as repeated below based on the same, any application of the police response time test outside of an application for a preliminary plan of subdivision is contrary to law.³

Staff's application of the police response time test in this specific design plan application is contrary to law and seeks to have the Planning Board undertake an illegal action. This contention is not only supported by the People's Zoning Counsel's legal opinion, but also supported by the Planning Director's August 26, 2019 letter, which clearly indicates that only an application for a preliminary plan of subdivision will trigger the police response time test. Despite this, Staff insists on illegally applying the police response time test in this matter.

c. The Planning Board has no authority to require a mitigation agreement at the time of specific design plan to mitigate failing police response times.

Section 24-122.01(e)(2) of the Subdivision Regulations authorizes the Planning Board to deny a <u>preliminary plan of subdivision</u> if the required statement by the Police Chief regarding response times (required by Section 24-122.01(e)(1)(D)) fails to meet the criteria, unless a mitigation plan/agreement is entered into by the applicant and the County. (Emphasis added). Specifically, that section unambiguously provides:

If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3)

³ See also Exhibit 14.

monthly cycles of response time reports, then the Planning Board may not approve the *preliminary plan* until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

Section 24-122.01(e)(2) (emphasis added).

The mitigation that may be imposed to address a failing response time test is solely limited to the Planning Board's review and approval of preliminary plan of subdivision. There is absolutely no authorizing language in Section 24-122.01(e)(2) that allows the Planning Board to impose a mitigation agreement for police response times at the time of specific design plan (or any other application under Subtitle 27 for that matter). Staff's recommendation to impose mitigation in this pending application for a specific design plan is contrary to law and seeks to have the Planning Board undertake an illegal action.

i. Staff incorrectly and illegally applied the police response time test on the date the specific design plan application was accepted.

The plain language of Section 24-122.01(e)(2) (cited above) is unambiguous that the police response time test can only be conducted "on the date the <u>application is accepted</u> by the Planning Board or within the following three (3) monthly cycles," and if the test fails, the "Planning Board may not approve the <u>preliminary plan</u> until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board." (Emphasis added). Moreover, and as described further in Section I.c.ii. below, the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure," defines "Subdivision" as a "preliminary plan of subdivision;" and requires the "Mitigation Plan" to "be made a part of the <u>application and record for the preliminary plan</u> [,]" and be "filed with the Planning Board to allow for the approval of the applicant's <u>preliminary plan</u>" (Exhibits 7 & 8) (emphasis added). Thus, it is clear that when Section 24-122.01(e)(2) and the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure are read together, which they must be, that the applicability of the police response time test is limited to an "application" for a "preliminary plan of subdivision."

However, in Finding 8 of the TSR, Staff's recommended finding for Section 27-528(a)(2) incorrectly and illegally relies upon the acceptance date of SDP-1701-03 to trigger the misapplied police response time test in this pending matter. Specifically, Staff states:

The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the following May cycle, and passed the 25 minutes for non-priority calls.

(TSR at p. 13) (emphasis added). Staff's application of the police response time test in this matter is unsupported in law, as no provision of law allows for the administering of the police response time test at the time of acceptance of an application for a specific design plan. Moreover, and consequently, Staff's

recommendation to impose mitigation in this specific design plan matter is contrary to law and seeks to have the Planning Board undertake an illegal action.⁴

ii. The "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" are only applicable during the review and approval of a preliminary plan of subdivision.

The "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" ("Guidelines") were adopted by resolution CR-78-2005. (Exhibit 8). As indicated above, these Guidelines limit the application of the police response time test and any associated mitigation to the review and approval of a preliminary plan of subdivision. The application of the same, as Staff recommends, at the time of specific design plan, exceeds the authority granted to the Planning Board, and if adopted by the Planning Board, results in reversible error.⁵

To further drive home this point, and although provided in Exhibit 8, the following are direct quotes from the Guidelines with emphasis added:

1. INTRODUCTION: The Prince George's County Council enacted CB-56-2005 effective August 3, 2005. Specifically, the legislation provides for the measurement of response times for the Police Department and the Fire/EMS Department to determine the adequacy of public safety services at the time of subdivision.

2. DEFINITIONS:

<u>PRELIMINARY PLAN OF SUBDIVISION</u> APPROVAL: The date of enactment of the resolution of approval by the Planning Board.

MITIGATION PLAN: An agreement between the County and applicant detailing the applicant's commitment to either pay the Public Safety Mitigation Fee, provide equipment and/or facilities that equal or exceed the cost of the Public Safety Mitigation Fee, or provide a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. For an applicant who does not choose to pay solely the mitigation fee, the submit its proposed mitigation plan applicant shall simultaneously to the County Council and County Executive, and the County Council may submit written comments on the plan to the County Executive for consideration in the ratified mitigation plan. The ratified mitigation plan shall be made a part of the application and record for the preliminary plan. Pursuant to CB-56-2005, the Plan must be filed with the Planning Board to allow for the approval of the applicant's preliminary plan where approval would have been otherwise denied due to failure of the adequate public facilities test.

SUBDIVISION: Preliminary plan of subdivision.

⁴ See also Exhibit 14.

⁵ See id.

IN KIND SERVICES: As an alternative to payment of the Public Safety Mitigation Fee, applicant may provide equipment and/or facilities from a list of identified needs that equal or exceed the cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources <u>for the proposed preliminary plan</u> as required by Section 24-122.01(e).

POOLING RESOURCES: Two or more applicants may join together to purchase equipment or build facilities from a list of identified needs that equal or exceed the cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources <u>for the proposed</u> <u>preliminary plans</u> as required by Section 24-122.01(e).

3. TEST PROCEDURES

A. The Police Chief shall submit a statement that the rolling twelve-month average, adjusted monthly, <u>for response times in the vicinity of the property proposed for subdivision</u> is a maximum of twenty-five minutes total for non-emergency calls and a maximum of ten minutes total for emergency calls for service in each of the police districts. Response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number.

C. <u>If an application for a preliminary plan</u> is located in an area that fails either of the requirements mentioned above, then the <u>Planning Board may not approve the preliminary plan</u> until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

4. MITIGATION PLAN

If an application for a preliminary plan fails in any of the police service districts and the actual response times for both emergency calls and non-emergency calls do not exceed 20% above the respective required response times, the applicant may offer to mitigate as provided below.

If an application for a preliminary plan fails in any of the police districts and the actual response times for emergency calls and/or non-emergency calls are greater than 20% above the required emergency response time, the applicant may not mitigate.

C. POOLING RESOURCES Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure

<u>required to bring the subdivision in conformance</u> with the standards mandated by CB-56-2005.

(Exhibit 8). The clear and unambiguous language of Section 24-122.01(e)(1)(D), Section 24-122.01(e)(2), and the Guidelines, illustrate and confirm that the police response time test, and any mitigation triggered thereunder, is solely limited to the review and approval of a preliminary plan of subdivision, as required by Subtitle 24 of the County Code, and not Subtitle 27.

Staff's recommended findings in reliance upon an impermissible and illegal re-testing of the police response times when SDP-1701-03 was accepted, and its recommended conditions to impose mitigation, is contrary to law.⁶

d. The police response time test was conducted during the review and approval of preliminary plan of subdivision 4-09003, and cannot now be redone with SDP-1701-03.

Preliminary Plan of Subdivision 4-09003 was originally approved by the Planning Board on October 28, 2010 (PGCPB Resolution No. 10-117), subject to 41 conditions. However, on December 9, 2011, the owner requested reconsideration of Finding 14 and Condition 41 related to the Police Department's response time reporting in 2009 and 2010. On January 5, 2012, the Planning Board approved the request for reconsideration. On April 5, 2012, the Planning Board heard testimony regarding the reconsideration and reapproved Preliminary Plan 4-09003; whereby, it corrected Finding 14 and deleted Condition 41 (PGCPB Resolution No. 10-117(A) (Exhibit 9)) based on, among other things, the Police Department's acknowledgment that its response time reporting in 2009 – 2010 was incorrect. (See Exhibit 10). Simply put, the approved and valid preliminary plan of subdivision, 4-09003, which governs the development for the Timothy Branch project, demonstrates that the entirety of the project meets the police response time test, as the same passed and was deemed adequate at the time the preliminary plan of subdivision application was approved.

As mentioned above, Staff, however, incorrectly and illegally re-tested the development when the application for SDP-1701-03 was accepted, and now incorrectly and illegally recommends conditions on SDP-1701-03 that requires a mitigation agreement. The Planning Board cannot adopt Staff's findings and conditions associated with the police response time testing conducted in April, 2020 and May, 2020 because such testing and mitigation is predicated upon the subdivision process and obtaining the approval of a preliminary plan of subdivision, not the approval of specific design plan. The former having already occurred in this case. The imposition of the same at the time of specific design plan requires the Planning Board to impermissibly and illegally go back in time, and out of the proper sequence of the orders of approval, and read into the law provisions and authority that simply do not exist. Simply, the adequacy test for the police facilities for response times, pursuant to Sections 24-122.01(e)(1)(D) and 24-122.01(e)(2), already occurred when preliminary plan 4-09003 was approved.

Moreover, the application of a mitigation agreement at the time of specific design plan violates the trigger mechanism of the payment of said mitigation fee since a grading permit, pursuant to prior approvals (i.e., CDP, PPS, and SDPs), has already been issued for the project, and said grading permit is vested. Thus, the only available trigger of the mitigation fee under the Guidelines has already passed, and therefore, there is no authority to now mandate the same especially since approvals and said grading permit is already issued and vested. Finally, and as stated previously, the requested mitigation is only available to avoid the denial of preliminary of subdivision, not a specific design plan. Staff's recommended conditions, in reliance upon Sec. 24-122.01(e)(2), are unlawful and cannot be imposed by

⁶ See Exhibit 14.

the Planning Board at the time of specific design plan since there is no authority (as articulated above) that authorizes the Planning Board to impose a mitigation agreement related to the police response time test outside of the preliminary plan of subdivision process.

Staff's recommendation to impose mitigation in this specific design plan case is contrary to law and seeks to have the Planning Board undertake an illegal action.⁷

II. The development will be adequately served within a reasonable period of time with existing or programmed public facilities.

Section 27-528(a)(2) requires that Planning Board, in approving a specific design plan, to find:

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;

Staff has incorrectly confused this requirement to mean that it must now, despite any supporting authority or language in Subtitle 24 or the Land Use Article (as articulated above), re-test the police response times at the time of specific design plan. As described in greater detail below, no other adequacy tests were separately re-tested with SDP-1701-03; instead, a comparative analysis for conformity with the approved preliminary plan of subdivision was conducted. Based on that comparative analysis for conformity, and saving the impermissible and illegal re-test of the police response times, Staff correctly determined that SDP-1701-03 will be adequately served. Specifically, Staff concluded that:

The subject property of the Villages at Timothy Branch is governed by an approved and valid PPS, 4-09003, that meets the adequacy test for the required transportation facilities serving this development through conditioned traffic improvements and contribution to the Brandywine Road Club. In addition, the development will be served with adequate public facilities including water, sewer, schools, and fire and rescue services.

(TSR at p. 13).

a. SDP-1701-03 is consistent with and conforms to 4-09003; therefore, the Planning Board may rely on the police response time test conducted at the time the preliminary plan of subdivision was approved.

The County Code must be read as a whole, and when read as a whole, it is clear that it is structured in a way to ensure, even if not explicitly stated, that each development application builds off of the prior application in order to ensure conformance and consistency with the specific and unique findings/conditions that must be made during each level of review. This is especially true for comprehensive design zones. So long as the specific design plan is in substantial conformance with the Basic Plan, comprehensive design plan, and the preliminary plan of subdivision, the findings that need to be made to approve the specific design plan must be based upon the findings and conditions made in those prior approvals. This is particularly true when certain findings and conditions (like adequate public

⁷ See Exhibit <u>14</u>.

facility tests/conditions) are exclusive to a certain aspect of the development review process. That is precisely what the language in Sections 27-192(d), 27-195(b)(2), 27-521(a)(7) and 27-528(a)(2) contemplates. That is, to evaluate whether the development is adequately served based on specific analyses and tests that occur throughout the development process — namely, the preliminary plan of subdivision process for which adequacy of public facilities for the development are tested, determined, and conditioned. Only if the specific design plan is not in substantial conformance with the preliminary plan of subdivision (and the tests, caps, and/or conditions established therein) will a new adequacy test be conducted/required vis-à-vis a new preliminary plan of subdivision application.

This comparative analysis against 4-09003 is precisely what Staff did for the other APFO tests. For example, on page 356-357 of the Backup, the Transportation Planning Staff correctly indicated that "this plan will be compared against [4-09003] for conformity to trip caps and other conditions as well." Transportation Planning Staff then undertook a comparative analysis (and not a new re-testing of adequate transportation facilities) to verify the conditions of approval regarding traffic adequacy tested with 4-09003 were met (or being met). A table was prepared that summarized the trip generation in each peak hour that was then used to "demonstrate conformance to the PPS [4-09003] trip cap for the site." (Backup at p. 356) (emphasis added). A similar comparative analyses was conducted regarding impacts to primary management areas. On page 14 of the TSR, under the Section 27-524(a)(5) finding, Staff correctly noted that the "primary management area impacts shown on the SDP and TSP2 plan are consistent with those approved with PPS 4-09003, SDP-1304 and SDP-1701." There was not a second or new re-test of said environmental features.

As it relates to the police response time test, however, Staff incorrectly and illegally re-tested the development despite having no authority to do so since the pending application was for a specific design plan and not a preliminary plan of subdivision. Notwithstanding the same, the Planning Board, in making its Section 27-528(a)(2) finding, like Staff recommends it do for other adequacy determinations previously tested at the time of preliminary plan of subdivision, should rely on the police response time test that was conducted and passed when the preliminary plan of subdivision (4-09003) application was approved.

In other words, since the law does not allow the police response time test to be conducted with an application for a specific design plan, this finding must be made independent of Staff's illegal re-test of the same, which can be done by relying on the following: (i) the fact that police response times were met when 4-09003 was approved; (ii) 4-09003 is valid and governs the Timothy Branch development; and (most importantly) (iii) SDP-1701-03 is consistent and in substantial conformance with 4-09003. Indeed, when the police response time test was conducted in accordance with the authority granted to the Planning Board to undertake such a test (i.e., at the time the preliminary plan of subdivision application was approved), the development (including all 1200 units) passed the response times for both emergency and non-emergency calls for service. Therefore, and because SDP-1701-03 is in substantial conformance with 4-09003, the Planning Board can rely upon its own finding regarding the prior police response time test that occurred when the application for 4-09003 was approved. (See Exhibit 2).8

It should be noted that regardless of whether the police response times are met or not, the application of the police response time test under Section 24-122.01(e)(1)(D), Section 24-122.01(e)(2), and CR-78-2005 at the time of an SDP application is impermissible. In other words, even assuming that the police response times are deemed to have been met based on the April, 2020 and May, 2020 cycles, administering a new adequacy test at the time of specific design plan – in making a Section 27-528(a)(2) finding – would be equally erroneous since the test can only be applied at the time a preliminary plan of subdivision application is accepted. Thus, even in this scenario, the Planning Board can only rely upon the police response time test that was conducted at the time the preliminary plan of subdivision was approved, unless the proposed specific design plan application is not in substantial conformance with said preliminary plan of subdivision approval; in which case, this would trigger the need to re-subdivide (hence, file a new application for a preliminary plan of subdivision to be re-tested).

b. Staff omitted additional facts that support a finding that SDP-1701-03 will be served by programmed police facilities in the Capital Improvement Program.

On May 29, 2020, the County Council adopted CB-24-2020, an act concerning Fiscal Year 2021 Appropriations. (Exhibit 11). Attachment 4 to CB-24-2020, among other things, includes changes to the Proposed FY 2021 – FY 2026 Capital Improvement Program ("CIP"). (See Exhibit 12). As it relates to this matter, the adopted CIP includes CIP Item No. 3.50.0002 (Exhibit 12.a) to fund the construction of a new police station in Police District V on certain land procured in 2015. This land is to be located along the southern portion of the US 301 corridor, and the new station is planned to be approximately 18,000 square feet and contain sufficient space for both police and administrative functions. (Id.). This project is funded and is planned to be in close proximity to the Timothy Branch project.

Moreover, and as is explained in greater detail below, the actual data supplied by the Police Department related to the police response time testing under Subtitle 24, deserves a lot scrutiny. Indeed, the Police Department's Information Technology Division, in a memorandum dated August 8, 2019, highlighted significant issues with how the police response time test is administered under the current provisions of Section 24-122.01(e). (See Exhibit 13). Due to the issues associated with how the police response time test is administered, one of the recommendations in this memorandum outlines a new tiered system for response time reporting under the adequacy test, "the intent [of which] is to move to a long-term solution by reducing sector size. Funding the project to build a new District V station on land that was procured in 2015 would accomplish this. By completing this project, the boundaries of sectors E, F⁹, and W can be realigned to equally distribute geography and workload." (Id.).

Based on the foregoing, the development will be adequately served within a reasonable period of time with programmed public facilities shown in the appropriate Capital Improvement Program.

c. The Planning Director's August 26, 2019 letter acknowledges that the police response time test was not applied from January, 2016 through January, 2019.

As outlined above, the applicant contends that the Planning Board, in making the requisite Section 27-528(a)(2) finding, cannot re-test the police response times at the time of specific design plan. The reasons for this are adequately briefed herein and will not be repeated.¹⁰ Instead, and as indicated herein, the Planning Board must rely upon the adequacy tests, findings, and conditions imposed at the time the preliminary plan of subdivision was reviewed and approved (since the preliminary plan of subdivision is still valid and the specific design plan substantially conforms to said preliminary plan of subdivision approval).

Alarmingly, from January, 2016 through January, 2019, the Planning Department, in reviewing every single preliminary plan of subdivision application that was accepted, processed, and presumably approved, relied upon police response time data from December, 2015 and earlier, and did not actually use data that adhered to the requirements of Section 24-122.01(e) or CR-78-2005. Instead, because "the Police Department was unable to provide monthly data until January, 2019, for the purpose of subdivision

⁹ The Timothy Branch development is in F Sector, Beat F7.

¹⁰ See also Exhibit 14, which is a letter from Mr. Stan Brown, Esq., People's Zoning Counsel, providing his legal opinion regarding the application of the response time test under Section 24-122.01(e) at the time of an SDP application. Mr. Brown confirms the applicant's contentions herein.

review, the Planning Department staff used the last reported response times of December 2015" (Exhibit 7).

In other words, for three (3) years, Staff, just as it did when it administered the police response times during its review of SDP-1701-03, either created its own police response time test by failing to adhere to the unambiguous language of Section 24-122.01(e) or based its findings on stale and outdated data from 2015. Consequently, and presumably, during its review of any specific design plan application that was accepted during that same three (3) year period, Staff either erroneously applied Section 24-122.01(e) by re-testing the application for police response times in the first place or created its own test based upon stale data from 2015. In either scenario, such an outcome, like Staff's recommendations in this pending matter, are erroneous and contrary to law. If nothing, else, this is just another example of the systemic problems surrounding the police response time test.

The police response time test, however, that was conducted at the time of preliminary plan of subdivision for this development, as supported by the reconsideration that was approved on April 5, 2012, in which the Planning Board heard testimony and received evidence regarding the data collection associated with the police response time test for the development – whereby it corrected Finding 14 and deleted Condition 41 (PGCPB Resolution No. 10-117(A)) – was, possibly for the first time, based upon data that was consistent with the test mandated by Section 24-122.01(e). (See Exhibit 10). Again, 4-09003 is approved, valid, and governs this development, and SDP-1701-03 is consistent with that approval. As such, in making the Section 27-528(a)(2) finding, the Planning Board must indicate that it has no other legal authority or power to mandate that the police response time test be conducted or mitigation imposed at the time of specific design plan, and that SDP-1701-03 is consistent and in conformance with the approved and valid preliminary plan of subdivision, 4-09003, which governs this development. Therefore, the development will be adequately served with existing or programmed public facilities.

III. If Staff's recommended finding and conditions related to the police response time test is adopted by the Planning Board, it will have a chilling effect on all development within any comprehensive design zone.

Given the foregoing, the applicant is very concerned about the long term ramifications that Staff's recommended finding and conditions related to the police response time test will have if they are adopted by the Planning Board. Such a scenario will create uncertainty in the process and render any preliminary plan of subdivision meaningless, or worse, moot. No longer could an applicant, purchaser, financial institution/lender, or citizen rely upon the orders of approval and the adequacy determinations/caps/tests/conditions made at the time of preliminary plan of subdivision. Instead, adequacy tests to determine a projects impact (and the means to address or mitigate those impacts through conditions) would be open ended without any certainty or assurances in the process.

No applicant or lending institution would undertake such an open ended process that would allow for the potential – after the preliminary plan of subdivision is approved, which is the mechanism whereby all adequacy tests are conducted in Prince George's County – to have its preliminary plan of subdivision approval (and the adequacy tests/caps/determinations/conditions established therein) invalidated at the time of specific design plan. The net result would bring economic development in the County to a very loud halt. Again, preliminary plan of subdivision 4-09003 is approved, valid, and governs the development of the Timothy Branch project. Staff's apparent attempt to invalidate that approval and the adequacy determinations made therein through the illegal application of the police response time test (or any APFO test for that matter) at the time of specific design plan cannot be supported by the Planning Board. As stated previously, there is a difference between analyzing the specific design plan against the preliminary plan of subdivision (including its conditions) and actually re-testing the development for

adequate public facilities anew. The latter, as it relates to the police response time test, is what occurred in this case, and as such, Staff's recommendations are erroneous and contrary to law.

Thus, any Planning Board decision based on the erroneous application of the police response time test in making its Section 27-528(a)(2) finding would be reversible error based on illegality or error of law.¹¹

IV. The current police response time test is flawed and results in illogical and unreliable conclusions that cannot be used by the Planning Board to accurately determine whether any project exceeds the police response time requirements.

Although not dispositive of the issues and arguments contained herein, and assuming arguendo, the applicant feels compelled, in the abundance of caution, to provide the Planning Board with supplemental information that supports the conclusion that the current police response time test that is administered by the Special Projects Section based on data received from the Police Department is, at best, flawed, and at worst, utterly unreliable and not in any way dispositive of whether police response times are inadequate.

As mentioned above, <u>Exhibit 13</u> is a memorandum, dated August 8, 2019, from the Chief Information Officer of the Information Technology Division for the Prince George's County Police Department to the Chief of Police. This memorandum seeks to explain the process by which the Police Department generates and reports the data to the Planning Department, as required by Section 24-122.01(e)(1)(D). The response time data that is currently being utilized by the Special Projects Section to frame Staff's recommendations for development applications (which includes the same data relied upon by Staff in this pending matter) is provided on the Commission's website. This data absurdly concludes that in all eight (8) Police Districts that make up Prince George's County, non-emergency (non-priority) calls for service are shorter than emergency (priority) calls for service. See below:

¹¹ See Exhibit 14.

¹² https://www.mncppc.org/DocumentCenter/View/13873/Police_response_times_2020-03?bidId=

The following response times reflect the twelve-month rolling average for each Police District, rounded in accordance with CR-078-2005. These averages are effective beginning May 2020 and will be updated monthly.

Average Minutes	
District I	
Non-Priority	6
Priority	8
District II	
Non-Priority	6
Priority	9
District III	
Non-Priority	4
Priority	7
District IV	
Non-Priority	5
Priority	8
District V	
Non-Priority	9
Priority	12
District VI	
Non-Priority	6
Priority	9
District VII	
Non-Priority	6
Priority	11
District VIII	
Non-Priority	5
Priority	7

This is illogical and is premised upon data collection that does not accurately reflect whether the response times in the vicinity of a property proposed for subdivision meet the 25 minute or 10 minute thresholds, respectively. Said differently, it is a mistake and clearly a paradox of the data collection process, analysis, and adequate public facility reporting by the Police Department to the Planning Board, as non-emergency calls for service cannot not be shorter than emergency calls for service. Any reliance upon data that concludes the same is misplaced and erroneous.

a. There is inconsistency between dispatched calls for service and the types of calls for service required to be tested pursuant to Section 24-122.01(e), which results in illogical and unreliable outcomes in the data.

Neither Section 24-122.01(e)(1)(D) nor CR-78-2005 provide any guidance, whatsoever, to the Police Department on how to actually analyze the data that it is then required to generate so the police response time test can be conducted pursuant to Section 24-122.01(e)(1)(D). Thus, the Police Department has been left to figure it out as they go. Indeed, the Public Safety Dispatch calls for service dispatch on a priority scale from 0 – 4, and not on an emergency or non-emergency scale, which is inconsistent with the provisions of Section 24-122.01(e)(1)(D) and CR-78-2005. This results in the Police Department, in producing the police response time data, to subjectively (and outside the scope of any provision in the Code or Guidelines) determine what calls for service are emergency calls and what calls for service are non-emergency. This, we know, in 2009 and 2010, previously resulted in the incorrect categorization of calls for service, which then incorrectly skewed that data. (See Exhibit 10).

In a letter, dated March 5, 2012, to Fern Piret, Planning Director, the Police Department found that "certain calls were incorrectly categorized as 'emergency calls for service." (Exhibit 10). The letter, further confirmed the subjective nature of the Police Department's data collection process that frames the police response time test – again, to no fault of the Police Department since neither the County Code nor the Guidelines provide any guidance – by indicating that the "Department decided that calls with a dispatch of Priorty 'E'¹³ should be considered emergency calls and that calls with a dispatch Priority of 1, 2, and 3 should be considered non-emergency calls." (Id.). Based on this, the 2009 and 2010 police response time data was corrected and represented, likely for the first (and possibly only) time, the most accurate data reporting for police response times in District V.

b. The application of the current response time test in Police District V violates the Nollan/Dolan/Koontz Test.

For almost thirty years, Fifth Amendment takings challenges to adjudicative land-use exactions and permit conditions have been governed by the dual Supreme Court cases of Nollan v. California Coastal Commission, 483 U.S. 825 (1987), and Dolan v. City of Tigard, 512 U.S. 374 (1994). In Nollan, the Supreme Court held that a government could, without paying the compensation, demand an easement as a condition for granting a development permit the government was entitled to deny, provided that the exaction would substantially advance the same government interest that would furnish a valid ground for denial of the permit. The Court further refined that requirement in Dolan, holding that an adjudicative exaction requiring dedication of private property must also be "roughly proportional"... both in nature and extent to the impact of the proposed development." However, Nollan and Dolan involved the dedication of real property interests. In Koontz v. St. Johns River Water Management District, 570 U.S. 595 (2013), the Court held that "the government's demand for property from a land-use permit applicant must satisfy the requirements of Nollan and Dolan even when the government denies the permit and even when its demand is for money."

In this instance, Section 24-122.01(e)(1)(D) requires the Police Chief to send police response times in the "vicinity of the property that is proposed for subdivision." "Vicinity" is defined as the "surrounding area; neighborhood; or the quality or state of being near – proximity." However, as the police response time test is administered, "vicinity" has been deemed to mean the entire police district. In this instance, Police District V is approximately 167 square miles. (See Exhibit 12.a. and Exhibit 16). This far exceeds any reasonable definition or application of "vicinity," and results in any demand for money based upon an analysis of the same being in violation of the jurisprudence of Nollan, Dollan, and Koontz since there is neither a nexus nor proportionality to the demand for money.

c. The police response time test utilizes the calls for service within the entire Police District, and because Police District V is approximately 167 square miles, including significant rural areas, the requirement of a blanket, county-wide, test is illogical and results in an inaccurate gauge of police response times.

¹³ Based on the new PSC Law Section Dispatch Policy, Priority "E" calls for service are now "0" calls for service. Although a copy of the current Dispatch Policy was requested, a copy was not provided. Undersigned counsel, however, based upon correspondences with the Police Department in response to an MPIA request, understands that this contention is accurate.

¹⁴ https://www.merriam-webster.com/dictionary/vicinity

As acknowledged in the August 8, 2019 memorandum to the Chief of Police, "[t]raveling distance may provide the most accurate correlating evidence when seeking to address response times." (Exhibit 13). The memorandum includes a graph entitled "Square Mile by Sectors," which disproportionally shows that officers in F Sector¹⁵ routinely must drive much farther than officers working in all other Sectors throughout the County. Thus, "meaning a longer time to arrive after being dispatched." (Id.).

The net outcome of the August 8, 2019 memorandum is that the Chief Information Office concluded that the "County Code Section 24-122[.01] (sic) is antiquated and should be updated with a more accurate gauge of response times" In essence, and putting aside the fact that the neither the Police Department nor the Planning Department accurately administered the police response time test for three (3) years, the facts support the conclusions reached in the August 8, 2019 memorandum, that the current police response time test is inaccurate, antiquated, and outdated. It simply does not provide, by any sense of the word, an accurate gauge of police response times.

Therefore, this applicant cannot now be required, at the time of its development application (in this case its application for a specific design plan), to be saddled with having to resolve a problem with the police response time test in the area for which he is no more responsible for, given that the test itself is flawed, antiquated, and an inaccurate gauge of response time adequacy, then other developments already built.

V. Conclusion

Based on the foregoing, and in reliance upon all of the exhibits attached hereto, the applicant contends that Staff's recommended finding(s) and conditions regarding the police response time test in Section 24-122.01(e) and CR-78-2005 is unsupported in law and illegal since the Planning Board lacks any legal authority to either re-test the development or impose mitigation at the time of SDP-1701-03. Since administrative agencies derive all of its authority and power from the enabling statutes that govern them, agencies have no powers beyond those that have been conferred upon them by statutes. Consequently, the authority granted to the Planning Board to apply the response time test and impose mitigation if the test is not met is limited to the Planning Board's authority to approve a preliminary plan of subdivision, not approve a specific design plan. Staff's attempt to conflate a new adequacy test for response times and impose a mitigation agreement at the time of specific design plan (i) contradicts and violates the plain and exclusive authority granted to the Planning Board at the time of preliminary plan of subdivision; (ii) exceeds the authority and power granted to it under the enabling statutes that govern the Planning Board pursuant to the Land Use Article and Subtitle 24 of the County Code, and (iii) is inconsistent with the long and established application of such statutes.

Thus, as it relates to the police response time issue, the Planning Board, in making its Section 27-528(a)(2) determination, should find as follows:

Regarding police facilities and response times, Subtitle 24 of the County Code provides the only authority for the Planning Board to test adequate police facilities. The property is governed by an approved and valid preliminary plan of subdivision, 4-09003, and at the time of preliminary plan, the development was tested and met all of the requirements for adequate public facilities, including police response time testing. The Planning Board's powers and authority to test police response times and require a mitigation agreement is set forth in Section 24-

¹⁵ F Sector is all of Police District V, or another way of saying it, all of Police District V is F Sector.

122.01(e)(1)(D)(2) and Section 24-122.01(e)(2) of the Subdivision Regulations and in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" (adopted with CR-78-2005), which states that the police response time test shall be conducted at the time an application for a preliminary plan of subdivision is accepted, and any mitigation agreement required therein may only be applied to approve a preliminary plan of subdivision. The Planning Board has no other legal authority or power to require the police response time test or mandate mitigation at the time of SDP under State or County law. SDP-1701-03 is consistent and in conformance with the approved and valid preliminary plan of subdivision, 4-09003, which governs this development. Moreover, the adopted FY 21 Budget includes funding for a new District V Police Station (CIP No.: 3.50.0002) to better serve the area. As such, the development will be adequately served with existing or programmed public facilities.

(Exhibit 2). Based upon this finding, and for the reasons provided herein, Staff's recommended Conditions 1.g. and 4 must be deleted.

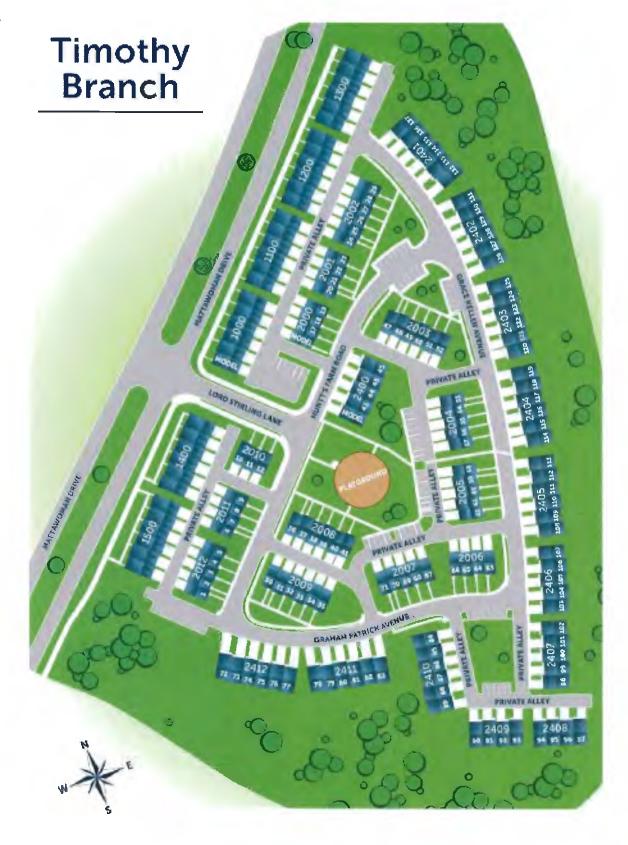
Respectfully submitted,

Matthew C. Tedesco Attorney for the Applicant

Exhibit List

- 1. Photos of Status of Development for RM-1 and RM-2
- 2. Applicant's Revised Findings and Conditions
- 3. CB-100-1989
- 4. CB-89-2004
- 5. CB-56-2004
- 6. Section 24-122.01
- 7. Planning Director Letter to County Executive Alsobrooks and County Council Chair Turner, dated August 26, 2019
- 8. CR-78-2005 and Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure
- 9. PGCPB No. 10-117(A1) (Planning Board Resolution for 4-09003
- 10.PGCPD Letter to Dr. Piret, dated March 5, 2012
- 11.CB-24-2020
- 12.Exhibit 4 to CB-24-2020
- 12.a. CIP Page for CIP No.: 3.50.0002
- 13. Memorandum to the Chief of Police, dated August 8, 2019
- 14.Letter from Stan D. Brown, Esq., People's Zoning Counsel, dated June 8, 2020
- 15. Police District V Map

Exhibit 1 Project Photos





Looking south on Mattawoman Drive (A-63)



Looking east from Mattawoman Drive at its intersection with Lord Stirling Lane



Looking west at the intersection of Lord Stirling Lane and Huntt's Farm Road



Looking NE at the intersection of Lord Stirling Lane and Huntt's Farm Road



Looking west at the intersection of Graham Patrick Avenue and Grace Kellen Avenue



Looking west along Graham Patrick Avenue



Looking east at the intersection of Huntt's Farm Road and Graham Patrick Avenue



Looking north along Grace Kellen Avenue

<u>RM 2</u>





Looking NE at the intersection of East Branch Drive and Fords Delight Lane



Looking north on East Branch Drive



Looking west on East Branch Drive



Looking NE at the intersection of Fords delight Lane and Weedon Way



Looking south on Mattawoman Drive (A-63) – road construction continuing south to connect to Matapeake Business Drive

Exhibit 2

Applicant's Proposed Revised Finding & Conditions

Timothy Branch SDP-1701-03

* * * * * * * * *

Applicant's Proposed Amended Finding:

* * * * * * * *

Prince George's County Zoning Ordinance: The subject application has been reviewed for compliance with the requirements in the R-M and M-I-O Zones of the Zoning Ordinance. Since no development is proposed within the L-A-C Zone portion of the property by this SDP amendment, conformance with those requirements is not required at this time.

* * * * * * * *

(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;

The subject property of the Villages at Timothy Branch is governed by an approved and valid PPS, 4-09003, that meets the adequacy test for the required transportation facilities serving this development through conditioned traffic improvements and contribution to the Brandywine Road Club. In addition, the development will be served with adequate public facilities including water, sewer, schools, and fire and rescue services.

The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the following May cycle, and passed the 25 minutes for non-priority calls.

As such, the development will not be served by adequate public facilities (for police emergency service only) and a public safety mitigation agreement is required, and associated fee must be contributed, as conditioned herein.

Regarding police facilities and response times, Subtitle 24 of the County Code provides the only authority for the Planning Board to test adequate police facilities. The property is governed by an approved and valid preliminary plan of subdivision, 4-09003, and at the time of preliminary plan, the development was tested and met all of the requirements for adequate public facilities, including police response time testing. The Planning Board's powers and authority to test police response times and require a mitigation agreement is set forth in Section 24-122.01(e)(1)(D)(2) and Section 24-122.01(e)(2) of the Subdivision Regulations and in the "Guidelines for the Mitigation of Adequate Public Facilities: Public

Safety Infrastructure" (adopted with CR-78-2005), which states that the police response time test shall be conducted at the time an application for a preliminary plan of subdivision is accepted, and any mitigation agreement required therein may only be applied to approve a preliminary plan of subdivision. The Planning Board has no other legal authority or power to require the police response time test or mandate mitigation at the time of SDP under State or County law. SDP-1701-03 is consistent and in conformance with the approved and valid preliminary plan of subdivision, 4-09003, which governs this development. Moreover, the adopted FY 21 Budget includes funding for a new District V Police Station (CIP No.: 3.50.0002) to better serve the area. As such, the development will be adequately served with existing or programmed public facilities.

* * * * * * * * *

Applicant's Proposed Amended Conditions:

RECOMMENDATION

Based upon the foregoing evaluation and analysis, the Urban Design staff recommends that the Planning Board adopt the findings of this report and APPROVE Specific Design Plan SDP-1701-03 and Type 2 Tree Conservation Plan TCP2-068-93-05 for Timothy Branch, subject to the following conditions:

- 1. Prior to certification of the specific design plan (SDP), the applicant shall provide the following information and/or revise the site plan to provide the following:
 - a. Show a sidewalk connection along the east side of Ring Hourse Road, extending from Lot 1 to the sidewalk along General Maxwell Drive, for a continuous pedestrian connection.
 - b. Identify the townhouse and single-family dwelling lots in need of noise mitigation measures on the SDP.
 - c. Revise the exterior light detail provided and add the following note to the SDP: "All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."
 - e. Provide <u>seven</u> shade trees within Parcel A, Block Q open space to provide relief to the playground and portions of the open field.
 - f. Revise the photometric plan to show sufficient lighting within the alleys as provided on the SDP.
 - The applicant shall enter and submit a ratified Public Safety Mitigation Fee agreement with the Maryland-National Capital Park and Planning Commission Prince George's County Planning Department for 251 dwellings, in accordance with the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure (Prince George's County Council Resolution CR-078-2005).
 - h. Update the Development Data Summary to correctly reflect a total of 250 dwelling units and 124 single-family detached units

- 2. Prior to certification of the specific design plan (SDP), the Type 2 tree conservation plan (TCP2) shall be revised, as follows:
 - a. Fully delineate and label the required 40-foot-wide scenic easement on the frontage of MD 381 (Brandywine Road).
 - b. Include all recommended noise barriers proposed for RM-3 and RM-4 with SDP-1701-03 on the plan. To provide a 5 foot maintenance access easement along the back of all lots that are adjacent to, all noise barriers shall be setback 5 feet from the lot line, and any woodland conservation areas shall be set back 10 feet from a noise barrier.
 - c. The top and bottom elevation of noise buffers shall be shown on the plan.
 - d. All woodland conservation less than 50 feet in width shall be eliminated as woodland conservation or revised to meet the minimum design criteria for width.
 - e. Revise the General Notes if necessary, to reflect the current TCP2 revision.
 - f. Revise the plan as necessary to be consistent with the SDP.
 - g. Add an Owner's Awareness Certificate to the cover sheet.
 - h. After all required revisions are made, revise the woodland conservation worksheet to correctly reflect the woodland conservation required and fulfilled for the site.
 - Have the revised plan signed and dated by Qualified Professional who prepared it.
- 3. Prior to the approval of the first building permit for RM-3 and or RM-4, all afforestation/reforestation planting, permanent tree protection fencing, and signage within that development pod shall be installed and completed.
- 4. Prior to the approval of a grading permit for the development, a Public Safety Mitigation Fee shall be paid in the amount of \$1,246,968 (\$4,968 x 251 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Prince George's County PlanningBoard and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,968 is subject to adjustment on an annual basis in accordance with the percentage change in the Consumer Price Index for All Urban Consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

KEY:

<u>Underline</u> indicates language added to findings/conditions; <u>Strikethrough</u> indicates language deleted from findings/conditions; Asterisks *** indicate intervening existing findings/conditions that remain unchanged. Exhibit 3
CB-100-1989



COUNCIL BILLS CB-100-1989

COUNTY COUNCIL OF PRINCE GEOFGE'S COUNTY, MARYLAND 1989 Legislative Session CB-100-1989 B111 No. 116 Chapter No. Proposed and Presented by The Chairman (by request - M-NCPPC) Introduced by Council Members Castaldi, Bell, Casula, Mills, Wineland and Pemberton Council Member Herl Co-Sponsors October 17, 1989 Date of Introduction ___ SUBDIVISION BILL AN ACT concerning Adequacy of Public Facilities FOR the purpose of amending the findings the Planning Board must make in order to determine the adequacy of certain public facilities and revising exemption and procedural requirements. BY adding: 16 SUBTITLE 24. SUBDIVISIONS. 17 Section 24-122.1, 18 The Prince George's County Code 19 (1987 Edition). 20 BY repealing and reenacting with amendments: 21 SUBTITLE 24. SUBDIVISIONS. 22 Sections 24-101(b), 23 24-103(b), 24 24-104, 25 24-107, 26 24-108, 27 24-111,

24-112(e), 24-116(b),

in itself.

10

11

12

13

14

15

16

17

18

19

20

21

22

24

25

26

27

24-119(d),

24-120,

24-122, and

24-124,

The Prince George's County Code (1987 Edition, as amended by CB-60-1989).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-122.1 be and the same is hereby added to the Prince George's County Code as follows:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 3. REQUIREMENTS: PLANNING, DESIGN,
AND PUBLIC FACILITIES.

Sec. 24-122.1. Adequacy of public facilities.

(a) The Planning Board may not approve a subdivision plat is it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities, ""Guidelines for the Analysis of Development Impact on Police Facilities" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

(b) Water and sewerage.

(1) The location of the property within the appropriate

CB-100-1989 DR-3

service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned evailability of public water and sewerage for preliminary or final plan approval. (c) Police facilities. (1) Before any preliminary plat may be approved the Planning Board shall find that: (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Analysis of Development Impact on Police Facilities," as may be amended from time to time: or (B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the Edopted County Capital Improvement Program as determined under the "Guidelines"; or (C) That improvements participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines." 22 (d) Fire and rescue facilities. 23 (1) Before any preliminary plat may be approved, the 24 Planning Board shall find that: 25 (A) The population and/or employees generated by

the proposed subdivision at each stage of the proposed subdivision

will be within the adequate coverage area of the nearest fire and

10

11

12

13

14

15

16

17

18

19

20

21

26

rescue station(s) as determined by the Planning Board in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities" as may be amended from time to time; or

(B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or

(C) That improvements participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-101(b), 24-103(b), 24-104, 24-107, 24-108, 24-111, 24-112(e), 24-116(b), 24-119(d), 24-120, 24-122, and 24-124 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 1. Definitions.

Sec. 24-101. Definitions.

(b) The following terms used in this Subtitle are defined as follows:

Outlot: A piece or parcel of land that remains within a subdivision but which does not meet the minimum requirements of

SDP-1701-03_Additional Backup 46 of 300

11

14 15

> 17 18 19

16

20

21 22 23

24

ell

1 Of

11

12

13

14

15

16

17 18

> 19 20

> > 21

22

23

24 25

> 26 27

the Zoning Ordinance for a buildable lot and is, therefore, not usable as a legal building site. Outparcel: A parcel of land designated on a subdivision

plat which does not meet the requirements of this Subtitle for adequate public facilities and is, therefore, not usable as a legal building site.

Subdivision 2. General Requirements.

Sec. 24-103. Policy.

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, safety, and welfare. Land shall not be subdivided until needed public facilities are available, or will be made available in the foreseeable future, and proper provision has been made for capital improvements, such as schools, police facilities, fire and rescue facilities, parks, recreational facilities, transportation facilities, and other improvements.

Sec. 24-104. Purposes.

- (a) The purposes of this Subtitle are as follows:
- (3) To facilitate public and private actions in order to provide adequate and efficient transportation, water and sewerage facilities, schools, parks, playgrounds, recreation, police facilities, fire and rescue facilities, and other public facilities;

Sec. 24-107. Jurisdiction.

(c) The following shall be exempt from the requirement of filing a subdivision plat, except for land within a Chesapeake Bay Critical Area Overlay Zone:

 (1) Partition through action of a [proceedings in]

 court of competent jurisdiction unless or until development of the

- court of competent jurisdiction unless or until development of the land is proposed for any use other than single-family detached dwellings and uses accessory thereto;
- (2) The division of land and distribution, in kind, to the heirs upon the distribution of an estate unless or until development of the land is proposed for any use other than one family detached dwellings and uses accessory thereto;

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

- (3) A conveyance of [one (1) or more acres] one-half (1/2) acre or more to a son or daughter or lineal descendant of the grantor from a tract retaining five (5) or more acres[;], provided that any lot so created shall be used solely for a one-family detached dwelling and uses accessory thereto and is in compliance with the provisions of the Zoning Ordinance as described in Section 24-107(d);
- (4) A conveyance to a public utility for transmission line purposes;
- [(4)] (5) A conveyance to a governmental agency for public use;
- [(5) A deed establishing a disputed or undetermined boundary line;
- (6) A conveyance of twenty (20) acres or more from a tract retaining at least twenty (20) acres;

26

(7)] (6) A conveyance of property used exclusively for agricultural purposes which, at the time of conveyance, is assessed as agricultural land;

[(8)] (7) Any subdivision of land by deed of a lot prior, to January 1, 1982 [;] provided:

(A) the proposed use is for a single-family detached dwelling and uses accessory thereto; or

(B) the total development proposed for the subdivision does not exceed five thousand (5,000) square feet of gross floor area; or

(C) the development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed five thousand (5,000) square feet of gross floor area; or

(D) the development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.

[(9)] (8) A resubdivision to correct a drafting or engineering error for property which is not the subject of a record plat;

[(10) The incorporation of an outlot into an adjoining lot for property which is not the subject of a record plat;

(11)] (9) The sale or exchange of land between adjoining property owners to adjust common boundary lines, provided that no additional lots are created, for property which is not the subject of a record plat;

proceedings or trustees' sales pursuant to a deed of trust or mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of foreclosure. For purposes of this Subtitle, the execution and/or recordation of a deed of trust or mortgage shall not constitute a conveyance of property.

[(12) Deeds of trust, mortgages, foreclosure proceedings, trustees' sales pursuant to mortgages and deeds of trust, deeds in lieu of forclosure, trustees' deeds, and final decrees of foreclosure.]

Sec. 24-108. Preliminary plat exemptions.

(a) A final plat may be filed with the Planning Director and treated as a minor subdivision for which no preliminary plat is required in the following instances:

* * * * * * * * * *

(3) the sale or exchange of land between adjoining property owners to adjust common boundary lines (which are part of a record plat) or consolidate lots, provided that in no case shall additional lots be created(, or to allow for the adjustment or consolidation within an industrial or commercial subdivision in response to market forces) and that all properties are the subject of a record plat.

Sec. 24-111. Resubdivision of land.

(c) A final plat of subdivision approved prior to October 27, 1970 shall be resubdivided prior to the issuance of a building

SDP-1701-03_Additional Backup 50 of 300

-

12

13

14

15

16 17

18

19

20

21

22

23

24

25 26

permit unless:

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

- (1) the proposed use is for a single-family detached dwelling(s) and uses accessory thereto; or
- (2) the total development proposed for the final plat does not exceed five thousand (5,000) square feet of gross floor area; or
- (3) the development proposed is in addition to a development in existence prior to January 1, 1990 and does not exceed five thousand (5,000) square feet of gross floor area; or
- (4) the development of more than five thousand (5,000) square feet of gross floor area, which constitutes at least ten percent (10%) of the total area of the site, has been constructed pursuant to a building permit issued on or before December 31, 1991.
- If for the purpose of resubdivision, the recorded final plat is submitted without modifications, the Planning Board shall approve the resubdivision as submitted if it finds that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with modifications, the Planning Board may approve the resubdivision in accordance with subsection (a) or (b), above.

Sec. 24-112. Vacation of plats.

(e) Generally, the Planning Board shall not vacate any subdivision which has dedicated rights-of-way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, [or] public access roadway, or

L

10

11

12

13

14

15

16

17

18

19 20

21

22

23

24 25

26

dedicated public facility, until:

Sec. 24-116. Subdivision Review Committee.

(b) Committee Membership. The Committee shall be composed of representatives from the following agencies, departments, and offices: the Planning Department, the Department of Parks and Recreation, the Police Department, the Department of Public Works and Transportation, the Washington Suburban Sanitary Commission, the Department of Environmental Resources, the Fire Department, the State Highway Administration, [the Department of Program Planning and Economic Development,] the Soil Conservation District, and, when appropriate, the Health Department, the Historic Preservation Commission, and the Board of Education.

Sec. 24-119. Procedures for major subdivisions.

(d) Preliminary Plat. The subdivider shall present a preliminary plat to the Planning Department, accompanied by a check or money order made payable to the Maryland-National Capital Park and Planning Commission, covering the filing fee.

(6) An approved preliminary plat of subdivision consisting of more than four hundred (400) residentially zoned lots or more than one hundred and fifty (150) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone which has a staring plan shall remain valid for six (6) years from the date of its approval, unless extensions of the validity period are granted.

Ĭ.

(A) An extension of up to two (2) years from the expiration of an approved preliminary plat or any extension *hereof may be granted by the Planning Board provided: (i) public infrastructure which was determined to be the developer's responsibility in accordance with the requirements of Section 24-122.1 and Section 24-124 has been constructed by the developer in c.dor to accommodate all stages of the development; or (ii) the developer has been proceeding in a diligent manner to comply with the staging plan and has been 10 unable, through no fault of the developer, to complete development 11 12 within the timeframe specified; or (111) the staging plan cannot be met as a 13 result of government failure to extend necessary services or 14 15 infrastructure Sec. 24-120. Documents required for major subdivisions. 16 (a) Preliminary Plats. The subdivider shall present to the 17 Planning Department a reproducible preliminary plat prepared by a 18 registered surveyor. If the preliminary plat has been prepared by 19 a Property Line Surveyor, the horizontal location of all right-of-20 way lines, as shown on the plat, shall be certified by either a 21 Professional Land Surveyor or a Professional Engineer. 22 freferably, the plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet. The following information shall be 24 25 shown: 26

(19) Vicinity map showing location of property and

existing police and fire and rescue familities within the area;

[(19)] (20) Tax map number and grid;

[(20)] (21) Such additional information as may be needed to show compliance with the optional approaches described in Division 6.

(b) Final Plat.

(3) Where a recreational facilities agreement is required by the Planning Board as part of, or in lieu of, mandatory dedication or [because] where a recreational facility and/or other public facility is proposed by the applicant as an integral part of the subdivision, such agreement shall be filed among the County land records and the Liber and Folio citation shall be shown on the final plat.

> DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.

Sec. 24-122. Public facilities requirements.

- (a) [The Planning Board shall not approve a subdivision plat if it finds that adequate public facilities and services do not exist or are not programmed for the area within which the proposed subdivision is located.
- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plat approval.
 - (2) The location of the property within the appropriate

SDP-1701-03_Additional Backup 54 of 300

11

12

13 14

15

16 17

18

19

20

21 22

23

24

25

26

service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for final plat approval.

- (3) Utilities.] When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.
- [(4) The Planning Board shall require adequate roads, as provided in Division 4.]
- [(5)] (b) Land for public facilities shown on the Gameral Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.
- [(6)] (c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-124. Adequate roads required.

- (a) Before any preliminary plat may be approved, the Planning Board shall find that:
- (1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on [a] an adopted and approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated

within [in] the adopted [current] County Capital Improvement Program and/or within the current State Consolidated Transportation Program; and

- (2) That the traffic generated by the proposed subdivision will not reduce the peak hour service level at [the nearest] major intersections and on major roadways within the established study area below the minimum peak hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", as may be amended from time to time; or
- (3) That roadway improvements or trip reduction programs participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."

SECTION 3. BE IT FURTHER ENACTED that on or before January 15, 1990, the Planning Board shall develop proposed legislation and guidelines which define and address mitigation of traffic impacts that may be appropriate under certain circumstances.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the day it becomes law.

Adopted this 28th day of November, 1989.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Joann J.

ant Sell

SDP-1701-03_Additional Backup 56 of 300

17

18

19 20

> 21 22

23 24

CB-100-1989 DR-3

ATTEST: Man M. Schmuhl, CMC December 19, 1989 DATE: _ EFFECTIVE: DECEMBER 19, 1989 KEY: 11 12 13 14 15 16 17 18 19 20

APPROVED:

Parris N. Glendening County Executive

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Reference No: CB-100-1989 (DR-3)

SUMMARY

Meeting Date: November 28, 1989

George's prince

Chairman (by Requestor:

request -- MNCPPC)

Council County

Item Title: An act for the purpose of amending the findings the Planning Board must make (during review of subdivision proposals) in order to determine the adequacy of certain public facilities, and revising exemption and procedural requirements.

11/28/89 Date Introduced 11/28/89 Pub. Hearing Date

LEGISLATIVE HISTORY

11/28/89 - Enacted, as amended. 8-1 vote (Aye: Bell, Castaldi, Casula, Cicoria, Herl, Mills, Pemberton and Wineland; Nay: Wilson).

COMMITTEE OF THE WHOLE REPORT

Date: October 11, 1989

Committee Vote: Favorable as amended 5-0 (In Favor: Bell, Castaldi, Casula, Herl, Wineland)

Warren Kahle, Council Planning Coordinator, noted that the Planning and Zoning Committee had reviewed Council Bills 76, 77, and 100 at its meeting on July 12 and had concluded that a Study Group should be formed to go over the testimony received, attempt to reach a consensus, and advise the Council of their recommendations. The consensus, and advise the Council of their recommendations.

consensus, and advise the Council of their recommendations of report of the Study Group was to be made directly to the Committee of report of the Study Group, appointed by Council Member Castaldi, the Whole. The Study Group, appointed by Council Member Castaldi, was co-chaired by Frank Derro (MNCPPC) and Warren Kahle (Council was co-chaired by Frank Derro (County Executive's office), staff) and consisted of Fern Piret (County Executive's office), staff) and consisted of Fern Piret (County Executive's Office), James Soltesz (SMBIA), James Thomas Haller (Chamber of Commerce), James Soltesz (SMBIA), James Cronk (City of Bowie), and Dorothy Troutman (community representative).

The Study Group's report which was circulated to the Council on October 6, was reviewed item by item. Alan Hirsch of the MNCPPC staff covered the rationale for the proposed revisions to Section 24-107 (the listing of situations which would be exempt from the

	Resource Personnel:	Warren Kahle
Drafter:	bergomer.	

Agenda Item Summary Page 2

requirement of filing a preliminary plat of subdivision and thus would be exempt from the review to ditermine whether public facilities were adequate).

Fern Piret highlighted the rationale for allowing a six year validity period for approved preliminary plats for large subdivisions (i.e., those with more than 400 residential lots or more than 150 acres of commercial or industrial land, or non-residential land in a CDZ or MXT Zone). An unlimited number of two-year extension periods could thereafter be granted by the Planning Board under certain circumstances. Her memo, attached to the Study Group report, presents this point of view more fully.

Frank Derro noted that the Study Group had recommended deletion of police and rescue facilities from the adequacy review inasmuch as they relate more to operational (manpower) demands, which are funded from the annual operating budget, rather than facility requirements, which are funded in the capital improvement program.

Mr. Derro also described the current procedure for determining transportation adequacy in conjunction with review of development proposals. He contrasted this with the revised process proposed in CB-100-1989, which represents a significant tightening of the findings required by the Planning Board in determining when a road findings required by the Planning Board in determining when a road project is "programmed". The new approach (per CB-100 allows the Planning Board to consider (a) additional road intersections (not planning Board to consider (a) additional road intersections (not simply the nearest critical intersection as is the current practice) (b) major road links, (c) previously approved preliminary plats (d) final plats and recorded plats, and (e) through trips on major routes (including a growth factor).

David Goode, Council Administrator, then presented Council staff recommendations, dated October 11, regarding implementation of the Council's September 13 policy statement on public facility adequacy.

Following discussion, the Council approved the revisions proposed by the Study Group to Section 24-107 (Jurisdiction or "exemptions"), except for (c)(7) which staff was to rewrite based upon comments by Ralph Grutzmacher clarifying that the initial building to be constructed should constitute a significant part of the overall development (perhaps 30%).

Section 24-119(d)(6) was approved as recommended by the Study Group, except for the deletion of subparagraph (iv) which allowed unlimited discretion to the Planning Board to grant extensions of preliminary plat validity.

It was the consensus of the Council that:

(a) Police and rescue facilities remain a part of the adequacy review by the Planning Board; Agenda Item Summary Page 3

- (b) Section 24-124(a)(1) be revised to require 100% of road construction funding be allocated within the first four years of the County CIP or within the first five years of the State CTP;
- (c) Section 24-124(b), which described a procedure that would allow a developer to "mitigate" traffic impacts in certain circumstances, be deleted;
 (d) The staff draft a letter to the Planning Board asking that it work with the Study Group to develop draft legislation pertaining to "mitigation" and transmit it to the Executive and Council by January 15, 1990; and
 (e) Council Bills 76 and 77-1989 would be held in committee for the duration of the legislative year.

duration of the legislative year.

BACKGROUND INFORMATION/FISCAL IMPACT (Includes reason for proposal, as well as any unique statutory requirements)

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 1989 Legislative Session Amendment Introduced by Bill No. _____CB-100-1989 (DR-2) Amendment No. ___ Amendment Introduced by Council on November 28, 1989 PROPOSED AMENDMENT On page 6, line 11, replace the word "single" with "one". On page 7, line 10, replace the word "an" with "in" and on 8 1. line 11, replace the word "structure" with "development" and 9 2. 10 the word "1992" with "1990". On page 7, lines 13 through 16, replace subsection (D) with 11 12 3. the following: "(D) the development of more than five thousand (5,000) 13 square feet of gross floor area, which constitutes at least 14 ten percent (10%) of the total area of the site, has been 15 constructed pursuant to a building permit issued on or before 16 17 December 31, 1991." 19 4. On page 8, delete subsection (e) in its entirety. On page 9, line 9, replace the word "an" with "in" and on line 10, replace the word "structure" with "development" and the 20 5. 21 word "1992" with "1990". On page 9, lines 12 through 15, replace subsection (4) with 22 23 6. the following: "(4) the development of more than five thousand (5,000) 24 square feet of gross floor area, which constitutes at least 25 ten percent (10%) of the total area of the site, has been 26 27

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session

Amendment Introduced by

Bill No. CB-100-1989 (DR-2)

Amendment No. 2

Amendment Introduced by Council on November 28, 1990

PROPOSED AMENDMENT

- 1. On page 3, line 17, delete: "the first three (3) years of".
- 2. On page 4, line 8, delete: "the first three (3) years of".
- On page 14, lines 7 and 8, delete: "the first four (4) years in".
- 4. On page 14, line 9, delete: "the first five (5) years in".

ADOPTED 11/28/89

```
COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
        Legislative Session
                               CB-100-1989
         Bill No. _
         Chapter No. _
         Proposed and Presented by The Chairman (by request - II-NCPPC)
         Introduced by Council Members Castaldi, Bell, Casula, Mills,
         Co-Sponsors
         Date of Introduction October 17, 1989
                             SUBDIVISION BILL
     AN ACT concerning
                       Adequacy of Public Facilities
10
     FOR the purpose of amending the findings the Planning Board must
11
     make in order to determine the adequacy of certain public
1.2
     facilities and revising exemption and procedural requirements.
13
14
      BY adding:
15
                     SUBTITLE 24. SUBDIVISIONS.
 16
                     Section 24-122.1,
                     The Prince George's County Code
 17
 18
                             (1987 Edition).
      BY repealing and reenacting with amendments:
 19
 20
                      SUBTITLE 24. SUBDIVISIONS.
 21
                      Sections 24-101(b),
  22
                               24-103(b),
  23
                               24-104,
  24
                                24-107,
  25
                                24-108,
   26
                                24-111,
   27
```

of deliveration with

SDP-1701-03_Additional Backup 64 of 300

24-112(e), 24-116(b). 24-119(d), 24-120, 24-122, and 24-124,

The Prince George's County Code (1987 Edition, as amended by CB-60-1989).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-122.1 be and the same is hereby added to the Prince George's County Code as follows: SUBTITLE 24. SUBDIVISIONS.

DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.

Sec. 24-122.1. Adequacy of public facilities.

(a) The Planning Board may not approve a subdivision plat if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities,""Guidelines for the Analysis of Development Impact on Police Facilities" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

(b) Water and sewerage.

(1) The location of the property within the appropriate

10 11

12

13

14

15

16

17

18

19

20

21

22

23 24

25

	Y Comments
ıll	service area of the Ten Year Water and Sewerage Plan is deemed
	sufficient evidence of the immediate or planned availability of
3	public water and sewerage for preliminary or final plat approval.
4	(c) Police facilities.
5	(1) Before any preliminary plat may be approved, the
6	Planning Board shall find that:
7	(A) The population and/or employees generated by
a	the proposed subdivision at each stage of the proposed
9	subdivision will not exceed the service capacity of the nearest
- 1	district station as determined by the Planning Board in the
10	"Guidelines for the Analysis of Development Impact on Police
11	Facilities," as may be amended from time to time; or
12	(B) An adequate police facility available to serve
13	the population and/or employees generated by the proposed
14	subdivision has been programmed with one hundred percent (100%) of
15	the expenditures for the construction of such a facility within
16	the expenditures to the adopted County Capital the first three (3) years of the adopted County Capital
17	Improvement Program as determined under the "Guidelines"; or
18	participated in or funded by
19	(C) That improvements partition the subdivider will alleviate any inadequacy as determined under
20	
21	
23	(d) Fire and recue facilities. (1) Before any preliminary plat may be approved, the
2	
2	planning Board shall find that:
2	(A) The population and/or employees generated by
2	the proposed subdivision at each stage of the proposed subdivision

will be within the adequate coverage area of the nearest fire and

"Guidelines for the Analysis of Development Impact on Fire and
Rescue Facilities" as may be amended from time to time; or

(B) An adequate fire and rescue station(s)

available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the first three (3) years of the adopted County Capital Improvement Program as determined under the "Guidelines"; or

(C) That improvements participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-101(b), 24-103(b), 24-104, 24-107, 24-108, 24-111, 24-112(e), 24-116(b), 24-119(d), 24-120, 24-122, and 24-124 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 1. Definitions.

Sec. 24-101. Definitions.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 26

27

(b) The following terms used in this Subtitle are defined as follows:

Outlot: A piece or parcel of land that remains within a

subdivision but which does not meet the minimum requirements of the Zoning Ordinance for a buildable lot and is, therefore, not usable as a legal building site.

Outparcel: A parcel of land designated on a subdivision plat which does not meet the requirements of this Subtitle for adequate public facilities and is, therefore, not usable as a legal building site.

Subdivision 2. General Requirements.

Sec. 24-103. Policy.

LO

11

12

13

14 15

16

17

18

19

20

21 22

23

24

25

26 27

(b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, safety $_{\underline{I}}$ and welfare. Land shall not be subdivided until needed public facilities are available, or will be made available in the foreseeable future, and proper provision has been made for capital improvements, such as schools, police facilities, fire and rescue facilities, parks, recreational fa ilities, transportation facilities, and other improvements.

Sec. 24-104. Purposes.

(a) The purposes of this Subtitle are as follows:

(3) To facilitate public and private actions in order to provide adequate and efficient transportation, water and sewerage facilities, schools, parks, playgrounds, recreation Police facilities, fire and rescue facilities, and other public facilities;

Sec. 24-107. Jurisdiction.
* * * * * * * * * * * * * * * * * * *
* * * " (c) The following shall be exempt from the requirement of
valuation plat:
this through action of a [proceeding
development of the
court of competent urlawiot. land is proposed for any use other than single-family detached
dwellings: (2) The division of land and distribution, in kind, to
Matribution of an estate unless or until
the heirs upon the distribution. 1 development of the land is proposed for any use other than single-
1 development of the land
family detached dwellings: (3) A conveyance of [one (1) or more acres] one-half
an or daughter or lineal descendant of
14 (1/2) acre or more to a soll of the grantor from a tract retaining five (5) or more acres[;], 15 the grantor from a tract retaining five (5) or more acres[;],
the grantor from a tract retaining to the grantor from a tract retaini
16 provided that any lot so created share with the provisions
provided that any lot so creates 17 family detached dwelling and is in compliance with the provisions 17 family detached dwelling and is in Compliance with the provisions
17 family detached dwelling and 18 of the Zoning Ordinance as described in Section 24-107(d):
of the Zoning Ordinance 25 constants of the Zoni
20 line purposes;
20 line purposes; 21 [(4)] (5) A conveyance to a governmental agency for
22 public use;
22 public use;23 [(5) A deed establishing a disputed or undetermined
24 boundary iine;
24 boundary ine; (6) A conveyance of twenty (20) acres or more from a
26 tract retaining at least twenty (20) acres;
26 tract retaining at least twenty to the tract retaining at least twenty for 27 (7)] (6) A conveyance of property used exclusively for

agricultural purposes which, at the time of conveyance, is assessed as agricultural land; [(8)] (7) Any subdivision of fland by deed of a lot prior to January 1, 1982 [;] provided: (A) the proposed use is for a single-family detached dwelling; or (B) the total development proposed for the subdivision does not exceed five thousand (5,000) square feet of gross floor area; or (C) the development proposed is an addition to 10 a structure in existence prior to January 1, 1992 and does not exceed five thousand (5,000) square feet of gross floor area; or 11 12 (D) a building permit for the construction of more than five thousand (5,000) square feet of gross floor area 13 14 which represents at least ten percent (10%) of the total area 15 of the site has been issued on or before December 31, 1991. 16 [(9)] (8) A resubdivision to correct a drafting or 17 engineering error for property which is not the subject of a 18 record plat; [(10) The incorporation of an outlot into an adjoining 19 20 lot for property which is not the subject of a record plat; 21 (11)] (9) The sale or exchange of land between adjoining 22 property owners to adjust common boundary lines, provided that no 23 additional lots are created, for property which is not the subject 24 of a record plat; 25 (10) A conveyance resulting from foreclosure 26 proceedings or trustees' sales pursuant to a deed of trust or 27

CB-100-1989 DR-2

mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of foreclosure. For purposes of this Subtitle, the execution and/or recordation of a deed of trust or mortgage shall not constitute a conveyance of property.

[(12) Deeds of trust, mortgages, foreclosure proceedings, trustees' sales pursuant to mortgages and deeds of trust, deeds in lieu of forclosure, trustees' deeds, and final decrees of foreclosure.]

(e) A subdivision plat shall be filed prior to any conveyance of a lot previously exempted from the requirements of filing a subdivision plat under Subsection (c), above, unless the subsequent conveyance is in accordance with Subsection (c), above. Sec. 24-108. Preliminary plat exemptions.

(a) A final plat may be filed with the Planning Director and treated as a minor subdivision for which no preliminary plat is required in the following instances:

(3) the sale or exchange of land between adjoining property owners to adjust common boundary lines (which are part of a record plat) or consolidate lots, provided that in no case shall additional lots be created(, or to allow for the adjustment or consolidation within an industrial or commercial subdivision in response to market forces) and that all properties are the subject of a record plat.

Sec. 24-111. Resubdivision of land.

(c) A final plat of subdivision approved prior to October 27, 1970 shall be resubdivided prior to the issuance of a building permit unless: (1) the rioposed use is for a single-family detached

- dwelling(s); or
- (2) the total development proposed for the final plat does not exceed five thousand (5,000) square feet of gross floor area; or
- (3) the development proposed is an addition to a structure in existence prior to January 1, 1992 and does not exceed five thousand (5,000) square feet of gross floor area; or
- (4) a building permit for the construction of more than five thousand (5,000) square feet of gross floor area which represents at least ten percent (10%) of the total area of the site has been issued on or before December 31, 1991.

If for the purpose of resubdivision, the recorded final plat is submitted without modifications, the Planning Board shall approve the resubdivision as submitted if it finds that adequate public facilities exist or are programmed for the area within which the subdivision is located, as defined in Division 3 of this Subtitle. If the recorded final plat is submitted with modifications, the Planning Board may approve the resubdivision in accordance with subsection (a) or (b), above.

Sec. 24-112. Vacation of plats.

11

12

13 14

15

16

17

18

19

20

21

22 23

24

25

26

27

(e) Generally, the Planning Board shall not vacate any subdivision which has dedicated rights_of_way to public use or dedicated rights-of-way or easements for any public utility, storm drainage course, floodplain, (or) public access roadway, or dedicated public facility, until:

Sec. 24-116. Subdivision Review Committee.

- (b) Committee Membership. The Committee shall be composed of representatives from the following agencies, departments, and offices: the Planning Department, the Department of Parks and Recreation, the Police Department the Department of Public Works and Transportation, the Washington Suburban Sanitary Commission, the Department of Environmental Resources, the Fire Department, the State Highway Administration, [the Department of Program Planning and Economic Development,] the Soil Conservation District, and, when appropriate, the Health Department, the Historic Preservation Commission, and the Board of Education.

 Sec. 24-119. Procedures for major subdivisions.
- (d) Preliminary Plat. The subdivider shall present a preliminary plat to the Planning Department, accompanied by a check or money order made payable to the Maryland-National Capital Park and Planning Commission, covering the Illing See.
 - of more than four handred (400) residentially zoned lots or more than one hundred and fifty (150) gross acres of commercially or industrially zoned land or land designated for nonresidential uses in any CDZ or M-X-T Zone which has a staging plan shall remain valid for six (6) years from the date of its approval, unless

1 14 100 to redail \$ 954

10

11

12

13

16

17

18

19 20

21

23

24

25

26

CB-100-1989 DR-2

1	extensions of the validity period are granted.
	(A) An extension of up to two (2) years from
	the expiration of an approved preliminary
	plat or any extension thereof may be
5	granted by the Planning Board provided:
J	(i) public infrastructure which was
	determined to be the developer's
7	responsibility in accordance with the
8	requirements of Section 24-
9	122.1 and Section 24-124 has been
10	constructed by the developer in
11	order to accommodate all stages of
12	the development; or
14	(ii) the developer has been proceeding in a
15	diligent manner to comply with the
16	staging plan and has been unable, through
17	no fault of the developer, to complete
18	development within the timeframe
19	specified; or
20	(iii) the staging plan cannot be met as a resul
21	of government failure to extend necessary
22	services or infrastructure.
23	Sec. 24-120. Documents required for major subdivisions.
24	(a) Preliminary Plats. The subdivider shall present to the
25	Planning Department a reproducible preliminary plat prepared by a
26	registered surveyor. If the preliminary plat has been prepared by
27	a Property Line Surveyor, the horizontal location of all right-on
21	g rrokeest

l way lines, as shown on the plat, shall be certified by either a Professional Land Surveyor or a Professional Engineer, Preferably, the plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet. The following information shall be shown: (19) Vicinity map showing location of property and existing police and fire and rescue facilities within the area; [(19)] (20) Tax map number and grid; [(20)] (21) Such additional information as may be 10 needed to show compliance with the optional approaches described 11 in Division 6. 12 (b) Final Plat. 13 14 (3) Where a recreational facilities agreement is 15 required by the Planning Board as part of, or in lieu of, 16 mandatory dedication or [because] where a recreational facility 17 and/or other public facility is proposed by the applicant as an 18 integral part of the subdivision, such agreement shall be filed 19 among the County land records and the Liber and Folio citation 20 shall be shown on the final plat. 21 22 DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND 23 PUBLIC FACILITIES. 24 Sec. 24-122. Public facilities requirements. 25

(a) [The Planning Board shall not approve a subdivision plat

if it finds that adequate public facilities and services do not

į.

12

13

14 15

16

17

18 19

20

21

22

25 26

24

exist or are not programmed for the area within which the proposed subdivision is located.

- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plat approval.
- (2) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for final plat approval.
- (3) Utilities.] When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.
- [(4) The Planning Board shall require adequate roads, as provided in Division 4.]
- [(5)] (b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.
- [(6)] (c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

27 Sec. 24-124. Adequate roads required.

- (a) Before any preliminary plat may be approved, the Planning Board shall find that:
- serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on [a] an approved master plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the first four (4) years in the current County Capital Improvement Program or within the first five (5) years in the current State Consolidated Transportation Program; and
- subdivision will not reduce the peak hour service level at [the nearest] major intersections and on major roadways within the established study area below the minimum peak hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", as may be amended from time to time; or
- (3) That roadway improvements or trip reduction programs participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."

SECTION 3. BE IT FURTHER ENACTED that on or before January 15, 1990, the Planning Board shall develop proposed legislation and guidelines which define and address mitigation of traffic impacts that may be appropriate under certain circumstances.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the day it becomes law.

10

11

12

1.3

14

15

16

17

18

19

20

21

22

23

24

25

CB-100-1989 DR-2

1	Adopted this day of	, 1989.	
2		COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND	
3 4 5 6 7 8	of.	BY: JoAnn T. Bell Chairman	
8	Jean M. Schmuhl, CMC Clerk of the Council		
LO	Clerk of the Country		
11		APPROVED:	
12			
13	DATE:	BY: Parris N. Glendening County Executive	
	454		
15	KEY:	added to existing law.	
16	Underscoring indicates language added to existing law. [Brackets] indicate language deleted from existing law. Asterisks *** indicate intervening existing Code provisions		
17	Asterisks *** indicate interver that remain unchanged.	ing extering does provide	
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 1989 Legislative Session __ CB-100-1989 Bill No. _____ Chapter No. __ Proposed and Presented by The Chairman (by request - M-NCPPC) Introduced by _____ Co-Sponsors ___ Date of Introduction SUBDIVISION BILL AN ACT concerning 11 Adequacy of Public Facilities 12 FOR the purpose of amending the findings the Planning Board must 13 make in order to determine the adequacy of certain public 14 facilities and revising exemption and procedural requirements. 15 BY adding: 16 SUBTITLE 24. SUBDIVISIONS. 17 Section 24-122.1, 18 The Prince George's County Code 19 (1987 Edition). 20 BY repealing and reenacting with amendments: 21 SUBTITLE 24. SUBDIVISIONS. 22 Sections 24-101, 23 24-103, 24 24-104, 25 24-107, 26 24-108,

24-111,

5.

9 10 11

14 15 16

17

13

24-112, 24-116, 24-119, 24-122, and 24-124,

The Prince George's County Code (1987 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-122.1, be and the same is hereby added to the Subdivision Regulations of Prince George's County, Maryland, being also Subtitle 24 of the Prince George's County Code:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 3. REQUIREMENTS: PLANNING DESIGN AND PUBLIC FACILITIES.

Sec. 24-122.1. Adequacy of public facilities.

t finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities", "Guidelines for the Analysis of Development Impact on Police Facilities", and "Guidelines for the Analysis of the Traffic Impact of Development Proposals". The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

(b) Water and sewerage.

- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.
- (c) Police facilities.

 (1) Before any preliminary plat may be approved, the Planning Board shall find that either:
- (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision, will not exceed the service capacity of the nearest district station, as determined by the Planning Board in the "Guidelines for the Analysis of Development Impact on Police Facilities", as may be amended from time to time; or
- (B) An adequate police facility available to serve
 the population and/or employees generated by the proposed
 subdivision has been programmed with one hundred percent (1001) of
 the expenditures for the construction of such a facility within
 the first three (3) years of the adopted County Capital
 Improvement Program as determined under the "Guidelines"; or
- (C) That improvements participated in or funded by subdivider will alleviate any inadequacy as determined under the "Guidelines".
 - (d) Fire and rescue facilities.
- (1) Before any preliminary plat may be approved, the Planning Board shall find that:
- (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed

subdivision, will be within the adequate coverage area of the
nearest fire and rescue station(s) as determined by the Planning
Board in the "Guidelines for the Analysis of Development Proposals
on Fire and Rescue Facilities", as may be amended from time to
time; or

(B) An adequate fire and rescue station(s)
available to serve the population and/or employees generated by
the proposed subdivision has been programmed with one hundred

available to serve the population and/or employees generated the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the first three (3) years of the adopted County Capital Improvement Program as determined under the "Guidelines"; or

(C) That improvements participated in or funded by subdivider will alleviate any inadequacy as determined under the "Guidelines".

SECTION 2. BE IT FURTHER ENACTED by the County Council of Prince George's County, Maryland, that Sections 24-101, 24-103, 24-104, 24-107, 24-108, 24-111, 24-112, 24-116, 24-119, 24-120, 24-122, and 24-124 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 1. GENERAL PROVISIONS.

Subdivision 1. Definitions.

Sec. 24-101. Definitions.

11 12

13

14 15

16

17

18

19

20 21

22

23

24 25

26

27

(b) The following terms used in this Subtitle are defined as

follows: Outlot: A piece or parcel of land that remains within subdivision but which does not meet the minimum requirements of the Zoning Ordinance for a buildable lot and is, therefore, not usable as a legal building site. Outparcel: A parcel of land designated on a subdivision plat which does not meet the requirements of this Subtitle for adequate public facilities and is, therefore, not usable as a 10 legal building site. 11 Subdivision 2. General Requirements. 12 Sec. 24-103. Policy. 14 (b) Land to be subdivided shall be of such character that it 15 can be used safely for building purposes without danger to health, 16 safety and welfare. Land shall not be subdivided until needed 17 public facilities are available, or will be made available in the 18 foreseeable future, and proper provision has been made for capital 19 improvements, such as schools, police facilities, fire and rescue 20 facilities, parks, recreational facilities, transportation 21 facilities, and other improvements. 22 23 24 Sec. 24-104. Purposes. (a) The purposes of this Subtitle are as follows: 25

(3) To facilitate public and private actions in order

L_

26

to provide adequate and efficient transportation, water and sewerage facilities, s .ools, parks, playgrounds, recreation, police facilities, fire and rescue facilities, and other public facilities; Jurisdiction. Sec. 24-107. (c) The following shall be exempt from the requirement of filing a subdivision plat: (1) Partition through action of a [proceedings in] court of competent jurisdiction unless or until development of the 12 land is proposed; (2) The division of land and distribution, in kind, to 13 the heirs upon the distribution of an estate until development of 14 15 the land is proposed; (3) A conveyance of [one (1) or more acres] one-half 16 (1/2) acre or more to a son or daughter or lineal descendant of 17 the grantor from a tract retaining five (5) or more acres[:] $_{\perp}$ 18 provided that any lot so created shall be used solely for a one-19 family detached dwelling by the lineal descendant or for 20 21 agricultural purposes; (4) A conveyance to a public utility for transmission 22 23 line purposes; [(4)] (5) A conveyance to a governmental agency for 24 25 public use; [(5) A deed establishing a disputed or undetermined 26

11

27

boundary line;

18

19

	(6)	A co	onveyar	ice	of	twenty	(20)	acres	or	more	from	1
tract	retaining	at	least	twe	enty	(20)	acres	;				

- (7)] (6) A conveyance of property used exclusively for agricultural purposes which, at the time of conveyance, is assessed as agricultural land;
- [(8)] (7) Any subdivision by deed of a lot prior to [January 1, 1982] inclusion of the land within the Regional district, provided it is to be used for the development of a onefamily detached dwelling;
- [(9)] (8) A resubdivision to correct a drafting or engineering error for property which is not the subject of a record plat;
- [(10) The incorporation of an outlot into an adjoining lot for property which is not the subject of a record plat;
- (11)] (10) The sale or exchange of land between adjoining property owners to adjust common boundary lines, provided that no additional lots are created, for property which is not the subject of a record plat;
- (e) A subdivision plat shall be filed prior to any conveyance of a lot previously exempted from the requirements of filing a subdivision plat under subsection (c), above, unless the subsequent conveyance is in accordance with subsection (c), above. Sec. 24-108. Preliminary plat exemptions.
- (a) A final plat may be filed with the Planning Director and treated as a minor subdivision for which no preliminary plat is required in the following instances:

(3) the sale or exchange of land between adjoining property owners to adjust common boundary lines [which are part of a record plat] or consolidate lots, provided that in no case shall additional lots be created[, or to allow for the adjustment or consolidation within an industrial or commercial subdivision in response to market forces] and that all properties are the subject of a record plat. Sec. 24-111. Resubdivision of land. (c) A final plat of subdivision approved prior to October 27, 1970 shall be resubdivided prior to the issuance of any 12 permit, unless the final plat consists of five (5) or fewer lots 13 on residentially zoned land. If, for the purpose of 14 resubdivision, the recorded final plat is submitted without 15 modifications, the Planning Board may approve the resubdivision as 16 submitted upon a finding that adequate public facilities exist or 17 are programmed for the area within which the subdivision is 18 located, as described in Division 3 of this Subtitle. if the 19 recorded final plat is submitted with modifications, the Planning 20 Board may approve the resubdivision in accordance with paragraph 21 22 (a) or (b) above. 23 Sec. 24-112. Vacation of plats. 24 (e) Generally, the Planning Board shall not vacate any 25 subdivision which has dedicated rights of way to public use or 26 dedicated rights-of-way or easements for any public utility, storm 27

drainage course, floodplain, [or] public access roadway, or dedicated public facility, until:

Sec. 24-116. Subdivision Review Committee.

(b) Committee Membership. The Committee shall be composed of representatives from the following agencies, departments, and offices: the Planning Department, the Department of Parks and Recreation, the Police Department, the Department of Public Works and Transportation, the Washington Suburban Sanitary Commission, the Department of Environmental Resources, the Fire Department, the State Highway Administration, [the Department of Program Planning and Economic Development,] the Soil Conservation District, and, when appropriate, the Health Department, the Historic Preservation Commission, and the Board of Education.

Sec. 24-119. Procedures for major subdivisions.

(d) Preliminary Plat. The subdivider shall present a preliminary plat to the Planning Department, accompanied by a check or money order made payable to the Maryland-National Capital Park and Planning Commission, covering the filing fee.

(1) The Planning Department staff shall promptly check for completeness; accept a complete application for processing; reproduce the application; and send copies to all affected public agencies.

(2) Within four (4) weeks, the preliminary plat shall

11

12

13

14

15 16

> 17 18

19

20

21

22

23

24

25 26

be reviewed by the Subdivision Review Committee.

- (3) Adequate notice to the public shall be provided in accordance with the Rules of Procedure adopted by the Planning Board.
- (4) Within seventy (70) calendar days of acceptance, the Planning Board shall take final action, provided that, with the written consent of the applicant, this time period may be extended for up to seventy (70) additional calendar days.
- (5) An approved preliminary plat of subdivision shall remain valid for two (2) years from the date of its approval, unless an extension of the validity period is granted.
- (A) Extensions of the validity of an approved preliminary plat may be granted by the Planning Board provided:

(i) The request is filed prior to the expiration of the preliminary plat approval;

(ii) The preliminary plat remains in conformance with all the requirements of Subtitle 27 applicable to the subject property;

(iii) Two (2) years is not sufficient time to
prepare the final plat(s);

(iv) The applicant is not unduly delaying the
filing of plat(s);

(v) The validity of a preliminary plat

consisting of less than one hundred (100) residentially-zoned lots
or less than one hundred (100) gross acres of commercially or
industrially zoned land or land designated for nonresidential uses
in any CDZ or M-X-T Zone shall not be extended more than one (1)

year from the normal expiration of the approved preliminary plat; (vi) The validity of a preliminary plat consisting of more than one hundred (100) residentially zoned lots or more than one hundred (100) gross acres of commercially or industrially-zoned land or land designated for nonresidential uses in any CDZ or MXT Zone shall not be extended more than two (2) years from the normal expiration of the approved preliminary plat (vii) A final extension of up to two (2) years from the expiration of a previously approved extension(s) may be granted upon the applicant's submission to the Planning Board of letter from a permitting agency (including, but not limited to the Washington Suburban Sanitary Commission, U.S. Army Corps of Engineers, Maryland Department of Water Resources Administration, Prince George's County Department of Environmental Resources) indicating: (aa) The date of application for the required permit;

(bb) That the issuance of the required permit is delayed due to circumstances beyond the control of the applicant; and

(cc) The approximate date of issuance of the required permit.

(e) Final Plat. [If the preliminary plat is approved] Upon approval of the preliminary plat of subdivision, the sobdivider may proceed to prepare the final plat(s). Such final plat(s) shall be prepared in accordance with the approved preliminary plat and shall include any modifications made by the Planning Board.

[Unless such final plat(s) is filed with the Planning Board within the time period prescribed in Paragraphs (1) and (2) below, the Planning Board's approval shall be cancelled] A final plat may be filed no later than twenty-four (24) months from the original date of approval of the preliminary plat of subdivision, unless an extension of the approved preliminary plat is granted as described in paragraph 5, above. In all cases, a final plat shall be filed during the period in which the corresponding approved preliminary plat is valid.

- (1) [Validity. Unless an extension is granted by the Planning Board, a final plat may be filed no later than twenty-four (24) months after approval of the preliminary plat.
- (2) Extensions. The following extensions of the time period during which a preliminary plat is valid may be approved, provided that the plat remains in conformance with all requirements of Subtitle 27 applicable to the subject property, and the request for extension is filed prior to expiration of the preliminary plat.
- (A) The Planning Board may grant a one (1) year extension of time, upon written request of the subdivider and for good cause shown, upon a finding that twenty-four (24) months will not be sufficient time for the preparation and filing of the final plat, and that the subdivider is not unduly delaying filing the final plat by his own actions.
- (B) A second extension of up to an additional twenty-four (24) months may be approved by the Planning Board for major subdivisions of one hundred (100) lots or more, as approved

under one (1) preliminary plat, upon written request of the subdivider and for good cause shown. Such additional extension may be permitted when the Planning Board finds that the size of the project makes it impractical to submit a final plat(s) covering the entire project within thirty-six (36) months of approval of the preliminary plat.

(C) A third extension of up to an additional

twenty-four (24) months may be approved by the Planning Board for major residential subdivisions of one hundred (100) lots or more, as approved under one (1) preliminary plat, upon written request of the subdivider, where sewer or water authorization has been obtained for the entire subdivision but the Washington Suburban Sanitary Commission has not completed final design and engineering work for installation of water or sewer lines.

approve a final plat for a portion of an approved preliminary plat when it determines that it is impractical to require the final plat(s) for the entire subdivision at one time; provided that approval of a portion in no way precludes final platting of the entire subdivision in accordance with the approved preliminary plat, and that each final plat is submitted in proper sequence. Final plats for portions of cluster subdivisions shall provide for the appropriate open space and other public amenities shown on the preliminary plat.

Sec. 24-120. Documents required for major subdivisions.

(a) Preliminary Plats. The subdivider shall present to the

21

22

23

24

25 26 27 Planning Department a reproducible preliminary plat prepared by a registered surveyor. If the preliminary plat has been prepared by a Property Line Surveyor, the horizontal location of all right-of-way lines, as shown on the plat, shall be certified by either a Professional Land Surveyor or a Professional Engineer.

Preferably, the plat shall be prepared at a scale of one (1) inch equals one hundred (100) feet. The following information shall be shown:

(19) Vicinity map showing location of property and existing police and fire facilities within the area.

[(19)] (20) Tax map number and grid;

[(20)] (21) Such additional information as may be needed to show compliance with the optional approaches described in Division 6.

(b) Final Plat.

(3) Where a recreational facilities agreement is required by the Planning Board as part of, or in lieu of, mandatory dedication or [because] where a recreational facility and/or other public facility is proposed by the applicant as an integral part of the subdivision, such agreement shall be filed among the County land records and the Liber and Folio citation shall be shown on the final plat.

- {(a) The Planning Board shall not approve a subdivision plat if it finds that adequate public facilities and services do not exist or are not programmed for the area within which the proposed subdivision is located.
- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plat approval.
- (2) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for final plat approval.
- (3) Utilities.] When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.
- [(4) The Planning Board shall require adequate roads, as provided in Division 4.]
- [(5)] (b) Land for public facilities shown on the General Plan, functional master plans and/or area master plans, and watershed plans shall be reserved, dedicated, or otherwise provided for.
 - [(6)] (c) Stormwater management facilities, existing or

.....

11

12

13

14 15

16

17

18

19

20

21

23

24

25 26

proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

DIVISION 4. FEQUIREMENTS: TRANSPORTATION AND CIRCULATION.

Sec. 24-124. Adequate roads required.

10

11

12

13

14 15

16

17

18

19

20

21

23

24

25

26

- (a) Before any preliminary plat may be approved, the Planning Board shall find that;
- (1) There will be adequate access roads available to serve traffic which would be generated by the proposed subdivision, or there is a proposal for such roads on [a] an approved master plan and construction scheduled with at least seventy five percent (75%) of the construction funds allocated within the first six (6) years in the current County Capital Improvement Program or the current State Consolidated Transportation Program; and
 - (2) That the traffic generated by the proposed subdivision will not reduce the peak hour service level at [the nearest] major intersections and on major roadways within the established study area below the minimum peak hour service levels adopted by the Planning Board in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals", as may be amended from time to time; or
 - (3) That roadway improvements or trip reduction programs participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."
 - (b) In those instances when a planned roadway or roadway improvement identified in an approved master plan, current County

Capital Improvement Program, or current State Consolidated

Construction Program must be considered to find that access to a

proposed subdivision is adequate, and the planned roadway is not

at least seventy-five percent (75%) funded as described in (a)(1)

above, the Planning Board may consider mitigating actions as

defined in part 10 of the "Guidelines", provided:

- (1) Traffic operations at major intersections and on major roadways were inadequate before considering the impact of the proposed subdivision; and
- (2) The roadway which would result in a finding of adequacy, is included and partially funded for construction in the current County Capital Improvement Program or the current State Consolidated Construction Program; and
- (3) following the development of the proposed subdivision and implementation of the mitigating action, traffic operations (as defined by critical lane volumes at intersections and service volumes on roadways within the established study area) will be no worse than level of service "E".

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on the day it becomes law.

Adopted	this	 đay	οf	, 1989.
				COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

BY:
JoAnn T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC Clerk of the Council APPROVED: BY: Parris N. Glendening County Executive DATE: Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged. CB_PUB_FAC: CLF

OFFICE OF THE COUNTY EXECUTIVE

I hereby acknowledge which was delivered to this 0			
on the 5th of Dec		1988. 48	3:40 P.M.
4	Dar	na l	fourg

OFFICE OF THE CLERK OF THE COUNCIL

8111 No. <u>C8-100-1989(DR-3)</u> were returned by the County Executive to the Office of the Clerk of the Council on the <u>19th</u> day of <u>December</u> 1989.

Jan R. Schani, Clark

Exhibit 4

CB-89-2004

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2004 Legislative Session

Bill No.	CB-89-2004					
Chapter No.	55					
Proposed and Present	ed by Council Members Peters, Dean, Dernoga, Exum					
	Harrington, Knotts and Bland					
Introduced by	Council Members Peters, Dean, Dernoga, Exum, Harrington					
	Knotts and Bland					
Co-Sponsors						
Date of Introduction	October 5, 2004					
	SUBDIVISION BILL					
AN ACT concerning	DODDIVIDIOI (DALL					
	Adequate Public Facilities					
For the purpose of amo	ending the test for adequate public facilities at the time of preliminary plat					
of subdivision and esta	ablishing a new adequate public safety facilities test.					
BY repealing and reen	BY repealing and reenacting with amendments:					
SUBTITLE 24. SUBDIVISIONS.						
	Section 24-122.01,					
	The Prince George's County Code					
	(2003 Edition).					
SECTION 1. BE	E IT ENACTED by the County Council of Prince George's County,					
Maryland, that Section	Maryland, that Section 24-122.01 of the Prince George's County Code be and the same is hereby					
repealed and reenacted	d with the following amendments:					
	SUBTITLE 24. SUBDIVISIONS.					
DIVISION 3. REQ	UIREMENTS: PLANNING, DESIGN, AND PUBLIC FACILITIES.					
Sec. 24-122.01. Adec	quacy of public facilities.					
(a) The Pla	anning Board may not approve a subdivision plat if it finds that adequate					
public facilities do no	public facilities do not exist or are not programmed for the area within which the proposed					
subdivision is located	subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on					
Fire and Rescue Facilities," "Guidelines for the Analysis of Development Impact on Police						

Facilities," and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.

- (b) Water and sewerage.
- (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.
 - (c) Police facilities.
 - (1) Before any preliminary plat may be approved, the Planning Board shall find that:
- (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Analysis of Development Impact on Police Facilities," as may be amended from time to time; or
- (B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or
- (C) That improvements participated in or funded by the subdivider will alleviate any inadequacy as determined under the "Guidelines."
 - (d) Fire and rescue facilities.
 - (1) Before any preliminary plat may be approved, the Planning Board shall find that:
- (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will be within the adequate coverage area of the nearest fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities" as may be amended from time to time; or
- (B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines", provided, however, that if construction of such improvements has not commenced within nine years after

1	the first year the project is fully funded in an adopted County Capital Improvement Program, the
2	preliminary plat may not be considered and approved by the Planning Board based upon future
3	construction until such facilities are actually constructed; or
4	(C) That improvements participated in or funded by the subdivider will alleviate
5	any inadequacy as determined under the "Guidelines."
6	(2) Before any preliminary plat may be approved, if the location of the property
7	proposed for subdivision is outside the appropriate service area of the Ten Year Water and
8	Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide
9	water storage tanks, the availability of water tanker trucks, or other appropriate source of water
10	for fire extinguishing purposes.
11	(e) Data Collection by Office of Audits and Investigations and Office of Management and
12	Budget.
13	(1) Except as provided in Subsection (3), below, the Chief of Police and the Fire
14	Chief shall submit the following information to the County Office of Audits and Investigations,
15	County Office of Management and Budget, and the Planning Board:
16	(A) For Police personnel, a statement of authorized strength of sworn
17	officers of at least:
18	(i) Ninety percent (90%) of an authorized strength of 1420 equaling
19	1278 sworn officers on and after December 31, 2004;
20	(ii) Ninety-five percent (95%) of an authorized strength of 1420
21	equaling 1349 sworn officers on and after December 31, 2005; and
22	(iii) One Hundred percent (100%) of an authorized strength of 1420
23	sworn officers on and after December 31, 2006;
24	(B) For Fire personnel, a statement of authorized strength of fire and rescue
25	personnel of at least:
26	(i) Ninety-five percent (95%) of an authorized strength of 692
27	equaling 657 fire and rescue personnel on and after December 31, 2004; and
28	(ii) One Hundred percent (100%) of an authorized strength of 692 fire
29	and rescue personnel on and after December 31, 2005.
30	(C) A statement reflecting adequate equipment pursuant NFPA 1710, the
31	Tri-Data Study conducted by the County, or the Public Safety Master Plan for police and fire

2	
3	
4	
5	
6	İ
7	Ì
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	IJ

stations in	ı the	vicinity	of the area	proposed	l for subdivision;	and

- (D) A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, and/or fractile time, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. In this Section, total time means the length of time from the call for service until the arrival of police personnel on-scene.
- (E) A statement by the fire chief that the rolling twelve-month average, and/or fractile time, for response times in the vicinity of the property proposed for subdivision is a maximum of:
- (i) in the Rural Tier of the County, eight (8) total minutes for engines or basic life support and ten (10) total minutes for advanced life support; or
- (ii) in areas outside the Rural Tier of the County, six (6) total minutes for engines and basic life support and ten (10) total minutes for advanced life support. In this Section, total time means the length of time from the call for service until arrival of the fire or rescue personnel on-scene.
- (2) If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section, then the Planning Board may not approve the preliminary plat.
- (3) The provisions of Subsection (e) (1) shall not apply to commercial or industrial applications for preliminary plats.
- SECTION 2. BE IT FURTHER ENACTED that the Council shall review the provisions of this Act on or before July 31, 2006.
- SECTION 3. BE IT FURTHER ENACTED that this Act shall not apply to applications for preliminary plats filed and accepted on or before November 16, 2004.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) 1 2 calendar days after it becomes law. Adopted this 16th day of November, 2004. COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND Tony Knotts BY: Chairman ATTEST: Redis C. Floyd Clerk of the Council APPROVED: DATE: ______ BY: ______ Jack B. Johnson County Executive KEY: Underscoring indicates language added to existing law. [Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Exhibit 5

CB-56-2004

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2004 Legislative Session

Bill No.	CB-56-2004			
Chapter No	27			
Proposed and P	resented by Council Member Knotts			
Introduced by	Council Members Exum, Knots, Harrington, Shapiro, Peters and Dean			
Co-Sponsors				
Date of Introdu	July 6, 2004			
	CHARTER AMENDMENT			
AN ACT concer	ning			
	Amendment of Section 311, Charter of Prince George's County			
For the purpose	of proposing an amendment to Section 311 of the Charter of Prince George's			
County concerni	ng the selection of a Chairman and Vice Chairman of the County Council, and			
further providing	that if there are conflicting Charter amendments adopted by the qualified voters			
of the County at	the general election in November, 2004, the amendments proposed in Council			
Bill-56-2004, as	ratified by the voters, shall prevail.			
BY proposing an	amendment to:			
	Section 311,			
	Charter of Prince George's County, Maryland.			
SECTION	1. BE IT ENACTED by the County Council of Prince George's County,			
Maryland, that the following amendment to Section 311 of the Charter of Prince George's				
County, Maryla	nd, is hereby proposed:			
Section 311. O	fficers of the Council.			
The Counc	il shall elect from among its members a Chairman and a Vice Chairman. The			
Chairman, or in	his absence the Vice Chairman, shall preside at all meetings. On all questions			
before the Coun	cil the Chairman and Vice Chairman shall have and may exercise the vote to			
which each is en	titled as a Council member. If, at the general election in November, 2004, an			
amendment con	cerning the at-large election of the Chairman of the Council shall be adopted by			
majority of the	qualified voters of the County, then notwithstanding such amendment to this			
Section or Section 307A concerning at-large members of the Council, the current manner of				

election of the Chairman and the Vice Chairman of the Council shall remain unchanged. If, at the general election held in November, 2004, the qualified voters of the County shall not adopt an amendment to this Charter providing for the at-large election of the Chairman of the Council, then this amendment to the Charter shall be automatically abrogated and of no effect and shall be deleted from the text of the Charter.

SECTION 2. BE IT FURTHER ENACTED that a copy of this Act be transmitted to the County Executive for publication and that a copy also be transmitted to the Board of Supervisors of Elections for submission of the proposed amendment to the voters of this County at the 2004 General Election pursuant to Section 1105 of the Charter.

SECTION 3. BE IT FURTHER ENACTED that the question of adoption of this proposed Charter Amendment shall be submitted to the voters of the County at the General Election occurring on November 2, 2004, and shall be placed on the ballot in the following form:

PROPOSED CHARTER AMENDMENT

To reaffirm the manner of election of the Chairman and Vice Chairman of the Council, and provide a precedence clause in the event of conflicting charter amendments ratified by the voters at the November 2004 general election.

SECTION 4. BE IT FURTHER ENACTED that in the event that no petition for Charter Amendment or for referendum hereafter meets all requirements of law and, therefore, is not placed on the November 2004 ballot, then this Charter Amendment shall not appear on the local ballot.

Adopted this 30th day of July, 2004, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

	BY:Tony Knotts
	Chairman
ATTEST:	
Redis C. Floyd	_ _
Clerk of the Council	
KEY:	
Underscoring indicates language a	dded to existing law.
[Brackets] indicate language delete	ed from existing law.
	existing Code provisions that remain unchanged.

CB-56-2004 (DR-2) WAS APPROVED AT REFERENDUM ON 11/2/2004, BUT DID NOT BECOME EFFECTIVE BY ITS TERMS BECAUSE QUESTION H WAS NOT RATIFIED.

Exhibit 6

Sec. 24-122.01 of the County Code

Sec. 24-122.01. - Adequacy of public facilities.

- (a) The Planning Board may not approve a preliminary plan of subdivision if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" and "Guidelines for the Analysis of the Traffic Impact of Development Proposals." The Planning Board shall require adequate public facilities, as provided in this Section and in Division 4 of this Subtitle.
- (b) Water and sewerage.
 - (1) The location of the property within the appropriate service area of the Ten Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary plan or final plat approval; and
 - (2) Applications filed on or after October 1, 2012, pursuant to the Sustainable Growth Act Section 9-206 of the Environment Article, the following restrictions apply to residential subdivisions:
 - (i) Tier I. All lots shall be served by public sewer.
 - (ii) Tier II. All lots shall be served by public sewer; or if the subdivision is a minor subdivision it may be served by on-site sewer disposal systems.
 - (iii) Tier III. All lots shall be served by on-site sewer disposal systems.
 - (iv) Tier IV. All lots in a minor subdivision shall be served by on-site sewer disposal systems. A residential major subdivision served by on-site sewer disposal systems is not permitted.

(c) Police facilities.

- (1) Before any preliminary plan may be approved, the Planning Board shall find that:
 - (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will not exceed the service capacity of existing police stations as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or
 - (B) An adequate police facility available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines"; or
 - (C) That improvements participated in or funded by the subdivider, including participation in a specific Public Facilities Financing and Implementation Program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."
- (d) Fire and rescue facilities.
 - (1) Before any preliminary plan may be approved, the Planning Board shall find that:
 - (A) The population and/or employees generated by the proposed subdivision at each stage of the proposed subdivision will be within the adequate coverage area of the nearest fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure" as may be amended from time to time; or
 - (B) An adequate fire and rescue station(s) available to serve the population and/or employees generated by the proposed subdivision has been programmed with one hundred percent (100%) of the expenditures for the construction of such a facility within the adopted County Capital Improvement Program as determined under the "Guidelines", provided, however, that if construction of such improvements has not commenced within nine (9) years after the first year the project is fully funded in an adopted County Capital Improvement

- Program, the preliminary plan may not be considered and approved by the Planning Board based upon future construction until such facilities are actually constructed; or
- (C) That improvements participated in or funded by the subdivider, including participation in a specific public facilities financing and implementation program as defined in Section 27-107.01(186.1), will alleviate any inadequacy as determined under the "Guidelines."
- (2) Before any preliminary plan may be approved, if the location of the property proposed for subdivision is outside the appropriate service area of the Ten Year Water and Sewerage Plan or is in the Rural Tier, the Planning Board shall require the subdivider to provide water storage tanks, the availability of water tanker trucks, or other appropriate source of water for fire extinguishing purposes.
- (e) Data Collection by Office of Audits and Investigations and Office of Management and Budget.
 - (1) Except as provided in Subsection (3) below, the Chief of Police and the Fire Chief shall submit the following information to the County Office of Audits and Investigations, County Office of Management and Budget, and the Planning Board:
 - (A) For Police personnel, a statement of authorized strength of sworn officers of at least:
 - Ninety percent (90%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) equaling One Thousand Twelve Hundred Seventy Eight (1,278) sworn officers on and after December 31, 2004;
 - (ii) Ninety-five percent (95%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) equaling One Thousand Three Hundred Forty Nine (1,349) sworn officers on and after December 31, 2005; and
 - (iii) One Hundred percent (100%) of an authorized strength of One Thousand Four Hundred Twenty (1,420) sworn officers on and after December 31, 2006;
 - (B) For Fire personnel, a statement of authorized strength of fire and rescue personnel of at least:
 - (i) Ninety-five percent (95%) of an authorized strength of Six Hundred Ninety Two (692) equaling Six Hundred Fifty Seven (657) fire and rescue personnel on and after December 31, 2004; and
 - (ii) One Hundred percent (100%) of an authorized strength of Six Hundred Ninety Two (692) fire and rescue personnel on and after December 31, 2005.
 - (C) A statement reflecting adequate equipment pursuant to studies and regulations used by the County, or the Public Safety Master Plan for police and fire stations in the vicinity of the area proposed for subdivision; and
 - (D) A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall calculate the cumulative average response times beginning with the January 2005 response time data. In this Section, total time means the length of time from the call for service until the arrival of Police personnel on-scene or other appropriate police response.
 - (E) A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for calls for service during the preceding month.
 - (2) If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may

- not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.
- (3) The provisions of Subsection (e)(1) shall not apply to commercial or industrial applications for preliminary plans.
- (4) The governing body of the County may waive any surcharge imposed within the developed tier.

(CB-48-1981; CB-83-1987; CB-100-1989; CB-3-1997; CB-89-2004; CB-56-2005; CB-25-2008; CB-104-2012)

Editor's note— CR-26-2006 provides clarification of language in this Section related to the collection and reporting of data concerning the authorized strength of sworn police officers and qualified fire and rescue personnel.

CR-69-2006 temporarily suspends the staffing requirements of Section 24-122.01(e)(1)(A, B) and provides that any preliminary plan of subdivision that has been denied since January 1, 2006 due to these requirements may be reconsidered by the Planning Board.

CR-83-2012 adopted the County's Sustainable Growth Tier Map pursuant Section 9-206 of the Environment Article of the Maryland Annotated Code. The Growth Tiers depicted therein identify where major and minor residential subdivisions may develop and the type of sewage disposal system that will serve them.

Exhibit 7

Planning Director Letter to the County Executive and County Council Chairman (Dated August 26, 2019) Office of the Planning Director
Prince George's County Planning Department

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 www.mncppc.org/pgco 301-952-3595

August 26, 2019

The Honorable Angela D. Alsobrooks Prince George's County Executive 1301 McCormick Drive Suite 4000 Largo, MD 20774 The Honorable Todd M. Turner Council Chairman Prince George's County Council 14741 Gov. Oden Bowie Drive, 2nd Floor Upper Marlboro, MD 20772

RE: Prince George's County Police Department Response Times in Districts V and VII and the Impact on Adequate Public Facilities Findings for Development Review Cases

Dear County Executive Alsobrooks and Chairman Turner:

The Prince George's County Planning Department would like to provide the County Executive and the County Council with an early warning regarding possible failure of the Adequate Public Safety Facilities Mitigation Guidelines in January 2020 for Police Department response times in Police Districts V and VII. These response times are an important factor in the Planning Board's review of residential preliminary plans because the Planning Board may not approve a preliminary plan of subdivision if it finds that adequate public facilities do not exist or are not programmed for the area. If the current trend continues, Police Districts V and VII will have emergency/priority response times that will exceed the 10-minute standard for emergency calls for service and will result in a finding that the police adequacy test cannot be met.

Currently, the first six months of data show that Police Districts V and VII have priority/emergency times that significantly exceed the 10-minute emergency benchmark. All six months in District V and three of the six months in District VII have exceeded the 10-minute benchmark by more than 20 percent. The other three months of District VII exceeded the 10-minute benchmark by less than 20 percent.

If the current trend continues, the emergency/priority response times in District V and VII will result in a 12-month rolling average that exceeds the 10-minute benchmark time. The Planning Department is notifying you early for your consideration. This early notification will allow time to initiate discussions if any changes are necessary to address this issue.

It should be noted that these police response times are only used for residential development applications. The review of preliminary plans of subdivision for commercial and industrial development applications are based on the square feet of space in all facilities used by the Prince George's County Police Department and the County population. Planning Department staff uses the national standard of 141 square feet per 1,000 residents to calculate square feet of space for police.

Staff is also providing some background information to explain how response times are used in the development review process. Attachment 1 contains text from the Subdivision Ordinance and CR-078-2005 and a graph of the location of the police districts for your ease of reference.

The Honorable Angela D. Alsobrooks and The Honorable Todd M. Turner Page 2

Section 24-122.01 (e)(1)(D) of the Subdivision Regulations states that the Police Chief will provide a statement with the twelve-month average adjusted monthly (referred to as the "rolling average" hereafter) for non-emergency and emergency response times. The maximum is a total of 25 minutes for non-emergency and 10 minutes for emergency calls for service.

Due to the construction of the new 911 center and the associated software upgrade made to the dispatch services starting January 2016, the Police Department was unable to provide monthly data until January 2019. For the purposes of subdivision review, the Planning Department staff has used the last reported response times of December 2015 until a new 12-month rolling average can be established. The continual reporting of the monthly response times will allow the Planning Department to utilize a new 12-month rolling average in January 2020.

When the County Council adopted CR-078-2005, the Council established new guidelines for mitigation of adequate public facilities for public safety infrastructure. The response times standards in Section 24-122.01 (e)(1)(D) of the Subdivision Ordinance were reiterated in this resolution, but the resolution provided a new mitigation formula if the rolling average for police response times was beyond the standards set.

Section 24-122.01 (e)(2) permits an application to be tested for three more monthly cycles if the response times are not met. If response times less than 20 percent above the required emergency response time are still not met, then the Planning Board may not approve the preliminary plan of subdivision until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board. CR-078-2005 provides three mitigation options in this case — pay a mitigation fee, provide in kind services, or pool resources.

However, if the actual response times for emergency calls and/or non-emergency calls are greater than 20 percent above the required emergency response time, the applicant may not mitigate. The police district will be in a new construction moratorium for residential development.

Thank you for allowing us the opportunity to bring this to your attention. If you have any questions or need additional information, please contact Katina Shoulars, Acting Division Chief, Countywide Planning Division, at 301-952-5404 or via email at Katina. Shoulars@ppd.mncppc.org.

Sincerely,

Andree Green Checkley

Andrew Green Checkbery

Planning Director

Attachment

The Honorable Angela D. Alsobrooks and The Honorable Todd M. Turner Page 3

c: Tara H. Jackson, Deputy Chief Administrative Officer for Government Operations, Office of the County Executive

Mark A. Magaw, Deputy Chief Administrative Officer for Public Safety and Homeland Security Henry P. Stawinski III, Chief of Police, Prince George's County Police Department Donna Brown, Acting Clerk of the Council, Prince George's County Council Derick P. Berlage, Acting Deputy Director, Planning Department Debra Borden, Principal Counsel, Legal Office, M-NCPPC James Hunt, Division Chief, Development Review Division Katina Shoulars, Acting Division Chief, Countywide Planning Division Maria Martin, Countywide Planning Division

Excepts from the Subdivision Ordinance and a Council Resolution Regarding Police Response Times

Section 24-122.01 (e)(1)(D)

"A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service. Prior to January 2006, the Police Chief shall calculate the cumulative average response times beginning with the January 2005 response time data. In this Section, total time means the length of time from the call for service until the arrival of Police personnel on-scene or other appropriate police response."

Section 24-122.01 (e)(2)

"If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board."

Section 24-122. 01 (e)(2)

"The provisions of Subsection (e)(1) shall not apply to commercial or industrial applications for preliminary plans."

CR-078-2005

"4. MITIGTION PLAN

Police Districts -

- If an application for a preliminary plan fails in any of the police service districts and the actual response times for both emergency calls and non-emergency calls do not exceed 20% above the respective required response times, the applicant may offer to mitigate as provided below.
- If an application for a preliminary plan fails in any of the police districts and the actual response times for emergency calls and/or non-emergency calls are greater than 20% above the required emergency response time, the applicant may not mitigate.
- Response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number."

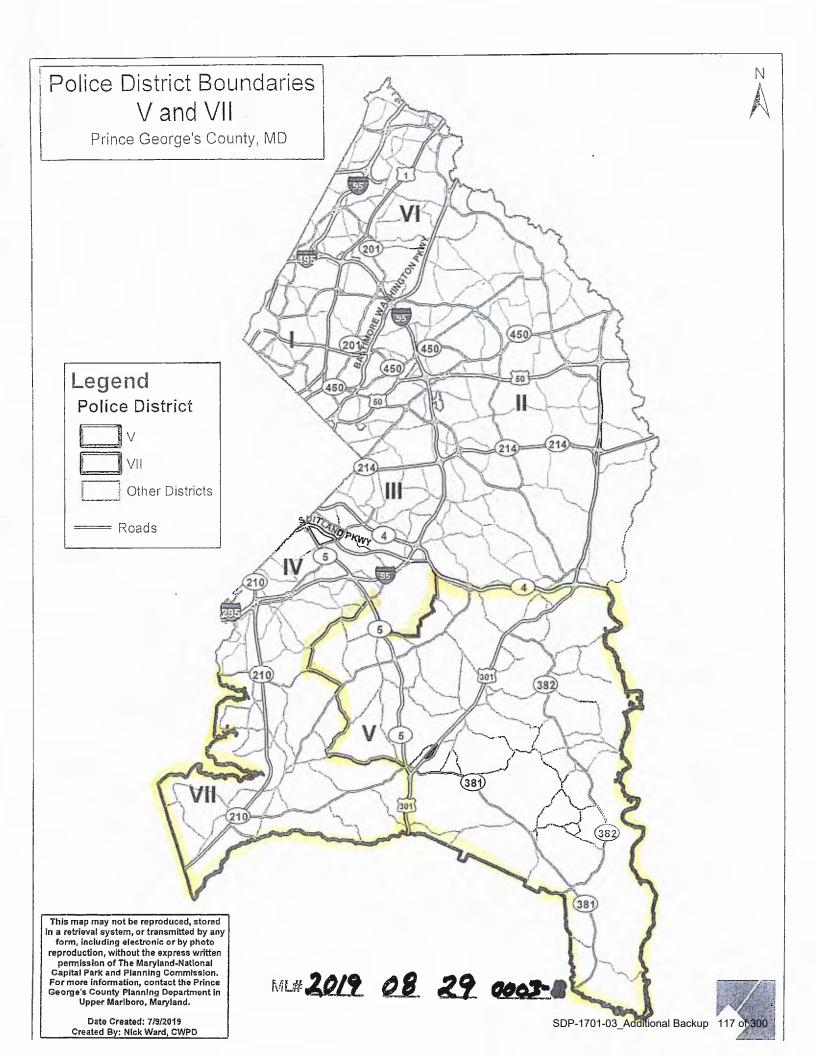


Exhibit 8

CR-78-2005

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2005 Legislative Session

Resolution No.	CR-78-2005			
Proposed by _	Council Member Peters			
Introduced by	Council Members Peters, Harrington, Exum, Campos and Dean			
Co-Sponsors				
Date of Introduc	ction October 25, 2005			

RESOLUTION

A RESOLUTION concerning

Adequate Public Safety Facilities Mitigation Guidelines

For the purpose of approving Guidelines for the Mitigation of Adequate Public Facilities for Public Safety Infrastructure.

WHEREAS, Chapter 594, Laws of Maryland, 2005, codified at Section 10-192.11 of the County Code, authorized the County to impose by ordinance a public safety surcharge on new residential construction for which a preliminary plan of subdivision has been approved on or after July 1, 2005; and

WHEREAS, the County Council enacted and the County Executive signed CB-56-2005 to make certain amendments incorporating the imposition of a public safety surcharge into the County's existing Adequate Public Facilities Ordinance, Subtitle 24, Division 3 of the County Code; and

WHEREAS, Section 3 of CB-56-2005 required the Director of the Office of Management and Budget, after consultation with the Planning Director, the Chief of Police and the Fire Chief to submit to the County Council for its approval, guidelines for the mitigation of public safety facilities in those areas of the County that do not allow the approval of a preliminary plan of subdivision by the Planning Board in accordance with Section 24-122.01(e); and

WHEREAS, the Director of the Office of Management and Budget has submitted draft Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure, attached hereto as Attachment A, for the Council's consideration and approval; and

WHEREAS, the Director of the Office of Management and Budget and the Office of Audits and Investigations shall semiannually review the adopted Guidelines for the Mitigation of

1 2

3 4

5

Adequate Public Facilities: Public Safety Infrastructure.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure be and the same are hereby approved and effective on the date of adoption of this Resolution.

Adopted this 1st day of November, 2005.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

	BY:	
	Samuel H. Dean	
	Chairman	
ATTEST:		
Redis C. Floyd		
Clerk of the Council		

ATTACHMENT A

GUIDELINES FOR THE MITIGATION OF ADEQUATE PUBLIC FACILITIES: PUBLIC SAFETY INFRASTRUCTURE

1. INTRODUCTION

The Prince George's County Council enacted CB-56-2005 effective August 3, 2005. Specifically, the legislation provides for the measurement of response times for the Police Department and the Fire/EMS Department to determine the adequacy of public safety services at the time of subdivision. Further, CB-56-2005 requires that not later than July 30, 2005, the Director of the Office of Management and Budget, after consultation with the Planning Director, the Chief of Police and the Fire Chief, shall submit to the County Council for its approval proposed guidelines for the mitigation of public safety facilities in those areas of the County that do not allow the approval of a preliminary plan of subdivision by the Planning Board in accordance with Section 24-122.01(e).

This document titled, "GUIDELINES FOR THE MITIGATION OF ADEQUATE PUBLIC FACILITIES: PUBLIC SAFETY INFASTRUCTURE", is prepared for the purpose of satisfying the aforementioned requirement.

2. **DEFINITIONS**

APF

Adequate Public Facilities

PUBLIC SAFETY MITIGATION FEE¹ The fee paid per dwelling unit by an applicant or applicants as a means of mitigating the impact on public safety facilities in an area of the County that has police and/or fire response times in excess of those required under CB-55-2005. For FY 2006, the fee shall be \$3,780 per dwelling unit for applications that fail in the Police District and \$1,320 per dwelling unit for applications that fail in the Fire Service Area. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit. The fee shall be adjusted annually thereafter by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.

PUBLIC SAFETY SURCHARGE As authorized by Chapter 594, Laws of Maryland 2005 (House Bill 1129) and required by CB-55-2005, the surcharge paid per dwelling unit by an applicant or applicants at the time of building permit.

¹ Calculated by the Office of Management and Budget.

The sub area of the County consisting primarily of inner-County areas **DEVELOPED TIER**

that are largely developed, as defined by the 2002 General Plan.

The largely suburban sub area of the County located primarily in the **DEVELOPING TIER**

central portion of the County, as defined by the 2002 General Plan.

The sub area of the County located on the outer portion of the County RURAL TIER

consisting primarily of undeveloped land, as defined by the 2002

The date of enactment of the resolution of approval by the Planning

General Plan.

PRELIMINARY PLAN OF SUBDIVISION

Board.

APPROVAL

An agreement between the County and applicant detailing the MITIGATION PLAN

> applicant's commitment to either pay the Public Safety Mitigation Fee, provide equipment and/or facilities that equal or exceed the cost of the Public Safety Mitigation Fee, or provide a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. For an applicant who does not choose to pay solely the mitigation fee, the applicant shall submit its proposed mitigation plan simultaneously to the County Council and County Executive, and the County Council may submit written comments on the plan to the County Executive for consideration in the ratified mitigation plan. The ratified mitigation plan shall be made a part of the application and record for the

preliminary plan. Pursuant to CB-56-2005, the Plan must be filed with the Planning Board to allow for the approval of the applicant's

preliminary plan where approval would have been otherwise denied

due to failure of the adequate public facilities test.

The staff of the Prince George's County Planning Department. STAFF

Preliminary plan of subdivision. SUBDIVISION

As an alternative to payment of the Public Safety Mitigation Fee, IN KIND SERVICES

> applicant may provide equipment and/or facilities from a list of identified needs that equal or exceed the cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources for the proposed preliminary

plan as required by Section 24-122.01(e).

Two or more applicants may join together to purchase equipment or **POOLING RESOURCES** build facilities from a list of identified needs that equal or exceed the

cost of the Public Safety Mitigation Fee. Equipment and/or facilities shall be necessary to meet the deficiencies in public safety resources for the proposed preliminary plans as required by Section 24-122.01(e).

3. TEST PROCEDURES²

- A. The Police Chief shall submit a statement that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five minutes total for non-emergency calls and a maximum of ten minutes total for emergency calls for service in each of the police districts. Response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number.
- **B.** The Fire Chief shall submit a statement that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven minutes travel time.
- C. If an application for a preliminary plan is located in an area that fails either of the requirements mentioned above, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board.

4. MITIGATION PLAN

Police Districts -

- If an application for a preliminary plan fails in any of the police service districts *and* the actual response times for both emergency calls and non-emergency calls do not exceed 20% above the respective required response times, the applicant may offer to mitigate as provided below.
- If an application for a preliminary plan fails in any of the police districts *and* the actual response times for emergency calls and/or non-emergency calls are greater than 20% above the required emergency response time, the applicant may not mitigate.
- Response times shall be stated in whole numbers, rounding where necessary in the following manner: a) decimal places between .01 and .49 shall be rounded to the nearest lower whole number; and b) decimal places between .50 and .99 shall be rounded to the nearest higher whole number.

Fire Service Areas -

• If an application for a preliminary plan fails in any of the fire service areas, an applicant may offer to mitigate as provided below.

² Summarized from CB-56-2005

The Public Safety Mitigation Fee will be assessed when the applicant applies for grading permits with the Department of Environmental Resources.

A. Public Safety Mitigation Fee

- i. The fees per dwelling unit would consist of \$3,780 per unit if the test has failed in any of the police districts. This number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005.
- ii. If the application fails in a fire service area, the fee per dwelling unit would consist of \$1,320 per unit. This number was derived from the costs associated with building and equipping fire stations to house the fire and EMS personnel that are necessary to help meet the response times associated with CB-56-2005.
- iii. If the application fails both the police and fire test, the applicant shall pay the combined fee of \$5,100 per dwelling unit.
- iv. The Public Safety Surcharge shall not be reduced by the payment of any Public Safety Mitigation Fee.

Beginning in Fiscal Year 2007, the fee shall be adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The fee shall be paid at the time of issuance of a grading permit for the development.

B. IN KIND SERVICES

An applicant may offer to provide equipment and or facilities that equal or exceed the cost of the Public Safety Mitigation Fee or offer a combination of in kind services and supplemental payment of the Public Safety Mitigation Fee. Acceptance of in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

C. POOLING RESOURCES

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the Public Safety Mitigation Fee. Acceptance of pooled resources to provide in kind services are at the discretion of the County based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB-56-2005.

5. USE OF FUNDS

The Public Safety Mitigation Fee shall be used in the police districts or fire service areas that are failing the response time requirements of CB-56-2005. For example, guidance provided by the Approved Operating Expense and Capital Budgets, Tri Data Final Report dated May 2004, the Maryland-National Capital Park and Planning Commission, and the Approved Public Safety Master Plan will be considered.

Exhibit 9

PGCPB No. 10-117(A1) (4-09003)

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

March 24, 2015

Timothy Brandywine Investments One & Two, LLC 2124 Priest Bridge Road, Suite 18 Crofton, MD 21114

Re: Notification of Planning Board Action on Preliminary Plan 4-09003
Villages of Timothy Branch

Dear Applicant:

This is to advise you that on March 19, 2015 the above-referenced Preliminary Plan was acted upon by the Prince George's County Planning Board in accordance with the attached Resolution.

Pursuant to Article 28, Section 7-116(g) of the Maryland Annotated Code, an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) calendar days after the date of the final notice March 24, 2015.

Very truly yours, Alan Hirsch, Chief

Development Review Division

Review

c:

Persons of Record

PGCPB No. 10-117(A1)

14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772 TTY: (301) 952-4366 www.mncppc.org/pgco

PGCPB No. 10-117(A/1)

File No. 4-09003

AMENDED RESOLUTION

WHEREAS, Timothy Brandywine Investments One, LLC and Timothy Brandywine Investments Two, LLC are the owner of a 334.26-acre parcel of land known as Tax Map 145 in Grid B4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned L-A-C (Local Activity Center) and R-M (Residential Medium Development); and

WHEREAS, on May 11, 2010, Timothy Brandywine Investments One, LLC and Timothy Brandywine Investments Two, LLC filed an application for approval of a Preliminary Plan of Subdivision for 580 lots and 68 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-09003 for Villages of Timothy Branch was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 28, 2010, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

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

WHEREAS, on October 28, 2010, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

*WHEREAS, by letter dated December 9, 2011, the applicant requested a reconsideration of Finding 14 and Condition 41 relating to police response time reporting; and

*WHEREAS, on January 5, 2012, the Planning Board approved the request for reconsideration based on the on the limited scope of the analysis of the police time reporting; and

*WHEREAS, on April 5, 2012, the Planning Board heard testimony regarding the reconsideration.

†WHEREAS, by letter dated February 11, 2015, the Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 13-20 and findings related to off-site recreational facilities at the Brandywine Area Community Park; and

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

†WHEREAS, on March 19, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

†WHEREAS, on March 19, 2015, the Planning Board heard testimony regarding the reconsideration.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1-151-90-02), and further APPROVED Preliminary Plan of Subdivision 4-09003, Villages of Timothy Branch, including a Variation from Section 24-121(a)(3) and Section 24-121(a)(4) for 580 lots and 68 parcels with the following conditions:

- 1. Prior to signature approval of the preliminary plan of subdivision, the following technical corrections shall be made:
 - a. Comprehensive Design Plans CDP-0901 and CDP-0902 and the accompanying text shall be certified;
 - b. Incorporate the changes required by the approved CDPs and accompanying text into the preliminary plan, including the residential portion of the L-A-C Zone and the RM-3 and RM-5 sections of the R-M Zone.
 - c. Clarify parcel lines to show a 150-foot lot depth for all residential parcels abutting Mattawoman Drive; and,
 - d. Show that all accesses and rights-of-way conform to the standards of Section 24-128 of the Subdivision Regulations.
 - e. Remove all proposed structures:
 - f. Provide a list of existing parcels.
 - g. Correct the number of lots and parcels proposed.
 - h. Provide reference to the variations approved.
- 2. Prior to signature approval of the preliminary plan:
 - a. The TCP1 shall be revised as follows:

†Denotes 2015 Amendment
*Denotes 2012 Amendment

<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- (1) Provide on-site a total of the woodland conservation threshold plus the additional acreage required for clearing below the woodland conservation threshold, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
- (2) To conform to the ultimate rights-of-way as approved on the preliminary plan and eliminate woodland conservation from proposed ultimate rights-of-way and easements.
- (3) Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
- (4) Provide the minimum required widths and areas for preservation and afforestation areas. If landscaped areas are proposed, they must be appropriately shaded and labeled including a note that the areas shall contain at least 50 percent trees and that the detailed plant schedules will be provided with the SDP.
- (5) Add the following note to the standard TCP1 notes:

"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and off-site. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

- (6) Meet the requirements of the Environmental Technical Manual with regard to standard notes.
- (7) Add a note to the specimen tree table stating the method of specimen tree location (field or survey located).
- (8) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
- (9) To show no afforestation or preservation areas within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District reviewers.
- (10) To reflect correct plan numbering nomenclature on the approval blocks of all sheets.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

[[]Brackets] and strikethrough indicate deleted language

- (11) To reflect all of the revisions included above on the woodland conservation worksheet.
- (12) Have the revised TCP signed and dated by the qualified professional who prepared it.
- b. The preliminary plan and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.
- c. The proposed noise berm shall be shifted to the east in order to eliminate proposed PMA Impact 5.
- d. Provide a tree canopy coverage (TCC) schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
- e. The preliminary plan and TCP1 shall be revised to show a lotting pattern and berm design that show the berm footprint completely on-site and provide a 100-foot-wide berm footprint throughout its length in Residential Module 2.
- f. The locations of noise contours and required lot depths shall be verified on the preliminary plan and TCP1 to ensure they remain in conformance with the provisions of the Subdivision Regulations and the approved variation.
- 3. Prior to approval of the SDP, the the preliminary plan and TCP1 shall relocate all townhouse lots adjacent to US 301/MD 5 outside of the 75 dBA Ldn unmitigated noise contour. This may result in the loss of lots if they cannot be appropriately relocated.
- 4. The approval of the final plat shall not occur until after the approval of the associated specific design plan that approves all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted.
- 5. At the time of each final plat:
 - a. A conservation easement shall be described by bearings and distances, and shall include the entirety of the regulated environmental features on the site except for any areas of impacts approved by the Planning Board as shown on the approved Type 2 tree

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

conservation plan. The plat shall be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee and the approval of a revised tree conservation plan. The removal of hazardous trees, limbs, branches, or trunks is allowed."

b. The following note shall be placed on the plat:

"Prior to grading permit approval, conservation easements shall be recorded in the land records for all proposed woodland conservation areas both on-site and offsite. Copies of the recorded easements shall be submitted to the Environmental Planning Section, M-NCPPC, for inclusion in the tree conservation plan file."

c. The following note shall be placed on the plat:

"Development is subject to restrictions shown on the approved Type1 Tree Conservation Plan (TCP1-150-90/02), or as modified by future revisions, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Type TCP1 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."

d. Woodland conservation requirements that cannot be fulfilled on-site for the subject application shall be provided off-site within the Mattawoman Creek watershed. The following note shall be placed on the final plat of subdivision:

"All off-site woodland conservation requirements for the overall project shall be fulfilled within the Mattawoman Creek watershed."

6. Prior to approval of the first SDP, a proposed stream and/or wetland mitigation plan shall be required if the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers. If this occurs, the first SDP submission package shall include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

identify possible mitigation sites shall be as follows: the Stream Corridor Assessment database shall be researched by the applicant and a list of possible mitigation sites shall be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation shall be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

- 7. At the time of the first SDP submittal, the submission package shall include a proposed site development for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 8. Prior to signature approval of any Type 2 tree conservation plan which proposes to credit, as woodland conservation, planting occurring with a stormwater management easement, an approved site development stormwater management plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by DPW&T with regard to the location, size, and plant stocking proposed.
- 9. A Phase II noise study shall be submitted for review with each SDP for residential uses. The Phase II noise study shall address how noise has been mitigated to 65 dBA Ldn exterior and 45dBA Ldn interior for residential units throughout the site.
- 10. The appropriate SDP shall show noise mitigation measures for the single-family detached lots impacted by noise levels of 65 dBA Ldn or greater along Mattawoman Drive. Mitigation for outdoor activity areas, as defined by the SDP, may include fencing or walls necessary to reduce the noise levels in the outdoor activity areas to 65 dBA Ldn or less.
- 11. Applications for building permits for lots and structures identified on the SDP requiring noise mitigation measures shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less for residential units.
- 12. The SDP for development that abuts historic Brandywine Road shall be referred by M-NCPPC to SHA for evaluation of context sensitive solutions (CSS).
- †Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

[Prior to the approval of building permits for 20 percent of the residential dwelling units within Preliminary Plan 4 09003, the applicant shall provide to the Department of Parks and Recreation (DPR) an approved TCP2 for the construction of Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79). If off site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for the Brandywine Area Community Park, the applicant shall be responsible for preparing a TCP2 or a revision to an existing TCP2 demonstrating how the requirement will be fulfilled. If off site woodland conservation on parkland is required, then a woodland conservation transfer certificate shall be submitted to the Planning Department prior to the issuance of any grading permits for the Brandywine Area Community Park.

- 14. Prior to the approval of any permits which impact wetlands, wetland buffers, streams, or Waters of the U.S., the applicant shall provide M NCPPC copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and the associated mitigation plans.
- 15. The applicant and the applicant's heirs, successors, and/or assignees shall provide off-site public recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
- 16. Prior to approval of building permits for 50 percent of the residential dwelling units within Preliminary Plan 4 09003, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) as conceptually shown on Exhibit B, which includes the following:
 - softball field
 - soccer field
 - 65 space parking lot
 - access road from Missouri Avenue
- 17. Prior to approval of building permits for 20 percent of the residential dwelling units, including single-family and multifamily units, the applicant shall submit to DPR, for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in the Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79)
- 18. The applicant and the applicant's heirs, successor, and/or assignees shall:

†Denotes 2015 Amendment *Denotes 2012 Amendment

<u>Underlining</u> indicates new language

- a. Be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area Community Park.
- Construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
- c. Provide tree mitigation required for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park on-site and/or off site on parkland owned by M NCPPC.
- 19. Prior to approval of a final plat, the applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland, and reflected on the final plat.
- 20. Prior to the approval of building permits for 30 percent of the residential dwelling units, including single-family and multifamily units, the applicant and the applicant's heirs, successors, and/or assignces shall submit to DPR a performance bond, letter of credit; or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park in an amount to be determined by DPR for the improvements associated with the Brandywine Area Community Park.]
- †[21]14. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private on-site recreational facilities in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines. The private recreational facilities shall be reviewed by M-NCPPC for adequacy and proper siting at the time of specific design plan.
- †[22]15. The applicant shall submit three original executed private RFAs for the private on-site recreational facilities to the Development Review Division (M-NCPPC) for approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- †[23]16. The applicant shall submit to DRD a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities in an amount to be determined by DRD, in accordance with the timing established in each SDP.
- †[24]17. In conformance with the 2009 Approved Countywide Master Plan of Transportation and the Approved Subregion 5 Master Plan and Sectional Map Amendment, the applicant and the applicant's heirs, successors, and/or assignees shall provide the following:

†Denotes 2015 Amendment

Underlining indicates new language

^{*}Denotes 2012 Amendment

- a. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA.
- b. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.
- c. An eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of the east side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- d. A five-foot-wide sidewalk along the subject site's frontage of the entire west side of Mattawoman Drive (including the Matapeake Business Drive extension), unless modified by DPW&T.
- e. Medians and/or pedestrian refuges shall be indicated along Mattawoman Drive at the time of SDP, unless modified by DPW&T.
- f. Standard sidewalks along both sides of all internal residential roads excluding alleys, unless modified by DPW&T.
- g. The location, width, and surface treatment shall be indicated for all bikeways, sidewalks, and trails at the time of SDP.
- h. Sidewalk, sidepath, and trail cross sections and details shall be provided at the time of SDP, consistent with current DPW&T and DPR standards and guidelines.
- i. The eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots.
- j. Bicycle parking shall be shown at all commercial buildings and active recreational facilities at the time of SDP. The number and location of bicycle parking spaces shall be determined at that time.
- Sidewalk and sidepath construction shall be provided concurrently with road construction. Construction of the Timothy Branch trail shall be in phase with the development of adjacent residential development.

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- 1. The need for additional facilities and amenities for pedestrians at transit stops will be evaluated at the time of SDP.
- †[25]18. At the time of final plat approval, the applicant shall dedicate the following rights-of-way as reflected on the approved preliminary plan of subdivision:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's frontage.
- †[26]19. The applicant shall develop and submit a phasing plan for the following improvements at the time of the initial specific design plan involving development within the subject property, and also shall submit any needed warrant studies related to condition c at this time. A status report for these improvements shall be submitted with each specific design plan within the property, with the transportation staff recommendation to be based upona comparison of the status with the phasing plan. The staging of conditions a, b, and d shall be related to the timing of collection of Road Club fees (pursuant to Condition 27). Condition c would be implemented when the signal is deemed to be warranted and required by SHA.
 - A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.
- †[27]20. The applicant and the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

constructed through the formation of a road club that will include the applicant, the Montgomery Ward Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward construction of these off-site transportation improvements shall be payment of the following:

For each non-residential unit, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each single-family unit, a fee calculated as \$1,306 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each townhouse, duplex, or two-family attached (two-over-two) unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multifamily unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

Payment is to be made in trust to the road club escrow agent and shall be due, on a pro rata basis, at the time of the issuance of building permits. Prior to the issuance of any building permit(s), the applicant shall provide written evidence to M-NCPPC that the required payment has been made.

The off-site transportation improvements to be constructed are set forth below. Construction of these improvements shall occur in the numerical sequence in which they appear. Each improvement shall be constructed if and only if sufficient funds for engineering, full design, and construction have been deposited into the road club escrow account by road club members or said funds have been provided by public agencies. The off-site transportation improvements shall include:

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- Widening US 301/MD 5 from a four-lane road to a six-lane road beginning at a. Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently approved SHA plans.
- Ъ. Installing a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- Making minor widening/striping improvements to the US 301/MD 5 interchange c. ramps.
- d. Widening US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstructing the traffic signal at US 301/MD 381.
- f. Installing a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- Providing a grade separation at the point the spine road crosses US 301 northeast g. of T.B.
- Reconstructing the traffic signal at MD 5/Brandywine Road. h.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63, north of T.B.
- Construction of A-63 as a six-lane arterial roadway (where off-site) between the k. US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- I. Widening US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. m. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

†Denotes 2015 Amendment *Denotes 2012 Amendment Underlining indicates new language

- †[28]21. Total development of the overall site shall be limited to uses that would generate no more than 1,269 AM and 1,775 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.
- †[29]21. Prior to signature approval, the preliminary plan shall be modified as follows:
 - a. The portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.
 - b. Remove the "Alternative Alignment for Master Plan I-503" notation and show only that area of the subject property needed to accommodate a future industrial road connection as a separate outlot.
 - c. Add a note stating: "A 40-foot-wide strip parallel and adjacent to US 301/MD 5 has been identified as a Possible Future Transit Alignment subject to further future environmental review."
- †[30]22. All appropriate specific design plans shall limit access to A-63 as follows:
 - a. Any public or private streets shown on the approved preliminary plan.
 - b. A maximum of two driveways within the L-A-C-zoned portion of the site to serve the commercial development.
 - c. A maximum of two driveways within the R-M-zoned portion of the site to serve Residential Module 5.
- †[31]23. The final plat shall note a denial of access along the site's frontage of US 301/MD 5.
- †[32]24. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a final report detailing the Phase II investigations and ensure that all artifacts are curated in accordance with the Guidelines for Archeological Review.
- †[33]25. Prior to the approval of the first specific design plan, the applicant and the applicant's heirs, successors, and/or assignees shall provide a plan for any interpretive signage to be erected and public outreach measures (based on the findings of the Phase I and Phase II archeological investigations). The location and wording of the signage and the public

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

outreach measures shall be subject to approval by the Historic Preservation Commission and the M-NCPPC staff archeologist. The SDP shall include the timing for the installation of the signage and the implementation of public outreach measures.

- †[34]26. The applicant and the applicant's heirs, successors, and/or assignees shall coordinate all Section 106 review with the Historic Preservation Section (M-NCPPC), federal agencies, and the Maryland Historical Trust. The National Historic Preservation Act Section 106 requires federal agencies to take into account the effects of the development on historic resources, to include archeological sites.
- †[35]27. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.
- †[36]28. Prior to signature approval of the preliminary plan, the preliminary plan shall conform to all applicable Zoning Ordinance requirements and CDP conditions, including the following:
 - a. A minimum 50-foot building restriction line shall be shown on the plan for all residential buildings along Mattawoman Drive.
 - b. The multifamily units within the L-A-C Zone shall be labeled for active adult use only.
 - c. In the L-A-C Zone, the plan shall list the proposed mixed-use development on this property as including a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.
 - d. In the L-A-C Zone, the plan shall be revised to show the community building and swimming pool relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development.
 - e. In the L-A-C Zone, the plan shall be revised to reflect that the residential development is limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units.
 - f. The plan shall show a minimum 40-foot wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements along the southern frontage of Brandywine Road.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

- g. The plan shall show a 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.
- h. The plan shall show the residential development designed to minimize the use of public streets ending in a cul-de-sac.
- The plan shall be revised to reflect the development standards approved in CDP-0901 and CDP-0902 for all residential and commercial uses in the L-A-C and R-M Zones.
- j. The plan shall be revised to reflect a minimum lot area for townhouses of 1,800 square feet.
- The plan shall be revised to reflect no more than six townhouses per building group, except where otherwise reviewed and approved.
- 1. The plan shall be revised to reflect a minimum width of 20 feet for all townhouses.
- m. In the LAC Zone, the plan shall be revised to reflect a redesign of the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.
- n. In the LAC residential module, the plan shall be revised to show the private loop road as a public right-of-way, as necessary, to provide sufficient street frontage to serve the multifamily parcel.
- o. A minimum 200-foot-wide building restriction line shall be shown on the plans along US 301 on parcels where multifamily units are proposed.
- p. Show the proposed transit alignment and include the following label: "Possible Future Transit Alignment."
- q. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.
- The plan shall be changed prior to signature approval to reflect a 120 foot right-of-way along the entirety of Mattawoman Drive.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

- s. In Residential Module 5, the plan shall be revised to delete the multifamily layout shown on the plans to allow for design, to be determined at the time of review and approval of the relevant SDP.
- t. In Residential Module 3, the plan shall be revised to reflect a redesign of the residential pod within Parcels C and D to include additional connectivity and the formation of pedestrian friendly blocks and a recreational facility.
- †[37]29. For each individual specific design plan, the applicant shall provide an inventory of the existing quantities of uses (if any) in the development, expressed in cumulative square footage or number of the varying types of residential units and information as to the exact square footage/number of units and types proposed, so that conformance with the overall approved land uses can be evaluated. Each future plan of development shall also contain information demonstrating conformance to the density increment analysis completed in association with CDP-0901 and CDP-0902.
- †[38]30. An automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.
- †[39]31. Prior to the approval of building permits, the applicant and the applicant's heirs, successors, and/or assignees shall convey to the homeowners association (HOA) open space land as identified on the approved specific design plan. Land to be conveyed shall be subject the following:
 - A copy of the unrecorded, special warranty deed for the property to be conveyed shall be submitted to the Subdivision Section of the Development Review Division (DRD), Upper Marlboro, along with the final plat.
 - b. All waste matter of any kind shall be removed from the property, prior to conveyance, and all disturbed areas shall have a full stand of grass or other vegetation upon completion of any phase, section, or the entire project.
 - c. The conveyed land shall not suffer the disposition of construction materials, soil filling, discarded plant materials, refuse, or similar waste matter.
 - d. Any disturbance of land to be conveyed to HOA shall be in accordance with an approved SDP or shall require the written consent of DRD. This shall include, but not be limited to, the location of sediment control measures, tree removal, temporary or permanent stormwater management facilities, utility placement, and storm drain outfalls. If such proposals are approved, a written agreement and

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

financial guarantee shall be required to warrant restoration, repair, or improvements required by the approval process.

- e. Storm drain outfalls shall be designed to avoid adverse impacts on land to be conveyed to a HOA. The location and design of drainage outfalls that adversely impact property to be conveyed shall be reviewed and approved by DRD prior to the issuance of grading or building permits.
- f. Temporary or permanent use of land to be conveyed to a HOA for stormwater management shall be approved by DRD.
- g. The Planning Board or its designee shall be satisfied that there are adequate provisions to assure retention and future maintenance of the property to be conveyed.
- †[40]32. Prior to the approval of any SDP for the Villages of Timothy Branch development, the applicant and the applicant's heirs, successors, and/or assignees shall work with Historic Preservation staff to develop names for the subdivision streets that reflect the history of the property, the adjacent Brandywine community, and its associated families.
- *[41. Prior to the issuance of a grading permit for the development, a public safety mitigation fee shall be paid in the amount of \$5,082,000 (\$4,235 x 1,200 dwelling units). Notwithstanding the number of dwelling units and the total fee payments noted in this condition, the final number of dwelling units shall be as approved by the Planning Board and the total fee payment shall be determined by multiplying the total dwelling unit number by the per unit factor noted above. The per unit factor of \$4,235 is subject to adjustment on an annual basis in accordance with the percentage change in the consumer price index for all urban consumers. The actual fee to be paid will depend upon the year the grading permit is issued.

As an alternative to the sole payment of the mitigation fee required above, the applicant at the time of the first grading permit for the development may submit a valid Mitigation Plan established pursuant to the provisions of CR 78 2005.]

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

- 1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
- 2. Overview—The subject property is located on Tax Map 145 in Grid B4 and is divided into two portions. The northern portion of the site is known as Parcels A through G of the Brandywine

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

Commerce Center, zoned L-A-C (Local Activity Center) and R-M (Residential Medium Development). Parcel E is not a part of this application. The subject property is partially cleared and some infrastructure is constructed. The southern portion of the site is known as unrecorded Parcels 4, 13, 19, and 25, zoned R-M. This portion of the site is undeveloped. The subject property consists of 72.26 acres of land in the L-A-C Zone and 262 acres of land zoned R-M, for a total of 334.26 acres. The applicant proposes to construct 1,200 dwelling units of mixed residential types and 305,000 square feet of commercial and office development.

- 3. Setting—The property is located on the east side of US 301 at its intersection with MD 5. The northern portion of the property is zoned L-A-C and the southern portion is zoned R-M. The site completely surrounds Parcel E, zoned E-I-A, which is currently used for an H.H. Gregg warehouse. Also, the property surrounds the Southern Maryland Oil gas station on the east side of US 301/MD 5, which is zoned C-M (Miscellaneous Commercial). Properties across Brandywine Road are zoned M-X-T (Mixed Use-Transportation Oriented). They are currently vacant, with the developments of Stephen's Crossing and Brandywine Business Park proposed. Properties bounding the northwest edge of the property and across Short Cut road are zoned I-1 (Light Industrial). These are used for automobile sales and salvage. Across US 301/MD 5, land is zoned M-X-T and is currently undeveloped. To the south of the site is the Brandywine Crossing shopping center, which is zoned C-S-C (Commercial Shopping Center), I-1 and I-2 (Heavy Industrial). Property to the east is zoned R-R (Rural Residential) and developed with single-family detached residences.
- 4. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	APPROVED	
Zone	R-M (262.acres)	R-M(262. acres)	
	L-A-C (72.26 acres)	L-A-C (72.26 acres)	
Use(s)	Undeveloped	Mixed Residential, Commercial Retail and Office	
Acreage	334.26	334.26	
Lots	0	580	
Outlots	0	1	
Parcels	10	68	
Dwelling Units:	0	1,200	
One-family Detached	0	101	
One-family Semidetached	0	100	
Townhouse	0	379 '	
Two-family Attached	0	352	

[†]Denotes 2015 Amendment

Underlining indicates new language

^{*}Denotes 2012 Amendment

Multifamily	- 1	0	268
Retail/Commercial		0	305,000 sq. ft.
Public Safety Mitigation Fee		No	Yes

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on May 28, 2010. The requested variation to Section 24-121(a)(4) was accepted on July 30, 2010, as discussed further in this report, and was also heard on August 6, 2010 at SDRC as required by Section 24-113(b). The case was continued from the Planning Board meeting on October 21, 2010.

5. Environmental—The Environmental Planning Section has reviewed the revised preliminary plan and Type 1 Tree Conservation Plan (TCP1-151-90-02) for the Villages of Timothy Branch, stamped as received by the Environmental Planning Section on August 19, 2010, and other supplemental information. The following comments are provided based on the additional information submitted and the approval of CDP-0901 and CDP-0902.

Revised plans for CDP-0901 and CDP-0902 were submitted on July 21, 2010 for the subject property and approved by the Planning Board on October 7, 2010, subject to conditions. The Environmental Planning Section recommends approval of Preliminary Plan 4-09003 and Type 1 Tree Conservation Plan TCP1-151-90-02 subject to conditions.

Background

The Environmental Planning Section has reviewed this site extensively in the past. The pertinent cases begin with Preliminary Plan 4-92048 (Brandywine Commerce Center) with associated Type I Tree Conservation Plan TCPI/151/90 for a 372.24-acre tract which was approved subject to PGCPB Resolution No. 92-187. The preliminary plan for this site indicated that development would occur in six phases. Subsequently, a Type II Tree Conservation Plan, TCPII/68/93, was approved for Phases I and II on the northern end of the property for the purposes of constructing stormwater management ponds and nontidal wetland mitigation areas. A Type II tree conservation plan (TCPII) was also approved for Phases III through VI (the southern portion of the property) for the purpose of installing a culvert in the Timothy Branch stream valley, which was required for the extension of master-planned Mattawoman Drive. This culvert was never installed, and Phases III through VI were never platted. The preliminary plan subsequently expired.

In 1997, Detailed Site Plan SP-97012 and Specific Design Plan SDP-9703 were approved for a 28.45-acre site in the Brandywine Commerce Center which straddled the I-3 (Planned Industrial/Employment Park) and E-I-A Zones for the development of a Circuit City Warehouse, and a separate Type II Tree Conservation Plan, TCPII/42/97, was approved for the area of TCPII/68/93 located on the northwest side of Mattawoman Drive in conformance with TCPI/151/90. A lot line adjustment was subsequently platted for Parcel E, which was developed in

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

accordance with the approved plans. No other development has moved forward on the site since that time.

Two Zoning Map Amendments, A-9987-C and A-9988-C, were requested in 2007 affecting 334.26 acres of the original Brandywine Commerce Center site (Parcel E containing 28.53 acres was excluded from these applications). Zoning Map Amendment A-9987-C proposed the rezoning of approximately 72 acres at the northern end of the site from the I-3 Zone (a conventional zone) and E-I-A Zone (Employment and Institutional Area, a comprehensive design zone) to the L-A-C Zone (Local-Activity-Center, a comprehensive design zone).

Zoning Map Amendment A-9988-C proposed the rezoning of approximately 262 acres of the site from the I-3 and E-I-A Zones to the R-M Zone (Residential Medium Development, a comprehensive design zone).

The two zoning map amendments were approved by the District Council subject to conditions contained in Zoning Ordinance No. 17-2008 on June 16, 2008.

The Environmental Planning Section reviewed the separate Comprehensive Design Plans (CDP-0901 and CDP-0902) along with the joint Type 1 Tree Conservation Plan (TCP1-151-90-01) for the R-M and L-A-C-zoned sections of the Villages of Timothy Branch, as approved.

The current application is a preliminary plan for the development of 334.26 acres in the R-M and L-A-C Zones.

Site Description

The subject property is 72.26 acres in the L-A-C Zone and 262.00 acres in the R-M Zone located in the southeast quadrant of the intersection of Crain Highway (US 301) and Brandywine Road (MD 381) Road. Current air photos indicate that two-thirds of the site is wooded. This site contains streams, 100-year floodplain, and wetlands associated with the Timothy Branch stream valley in the Mattawoman Creek watershed and the Potomac River basin. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. Brandywine Road (MD 381), which borders the site on the north, is a designated historic road. The portion of Brandywine Road west of Mattawoman Drive is classified as an industrial road in the Approved Countywide Master Plan of Transportation (MPOT) as is Short Cut Road, which is also adjacent to this site. The section of Crain Highway (US 301), which borders the site to the west, is a master-planned freeway and an existing source of traffic-generated noise. Mattawoman Drive and A-63, which are internal to the site, are both classified as arterials which are generally regulated for noise impacts when associated with residential development. According to the Prince George's County Soil Survey, the principal soils on the site are in the

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

Beltsville, Bibb, Croom, Elkton, Iuka, Leonardtown, and Sassafras series. Marlboro clay does not occur in this area. The site is in the Developing Tier according to the *Prince George's County General Plan*. According to the *Approved Countywide Green Infrastructure Plan*, the stream valley along the eastern boundary is a regulated area and the majority of the property is an evaluation area, with small areas of network gap.

Conformance with the General Plan

The Environmental Infrastructure chapter of the General Plan contains policies and strategies applicable to preservation, enhancement, and restoration of the natural environment and its ecological functions as the basic component of a sustainable development pattern. The following policies and strategies are applicable to the current review.

Policy 1: Preserve, protect, and enhance the designated green infrastructure elements.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern.

Strategy V. Meet the requirements of the Woodland Conservation Ordinance on-site to the fullest extent possible within the Mattawoman watershed. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

Policy 5: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures.

Policy 7: Minimize impacts of noise on residential uses during the land development process.

The above listed policies, as well as the specific strategy related to the Mattawoman Creek watershed, are discussed below as part of the findings of conformance with the Green Infrastructure Plan, subregion master plans, and the overall review of the proposal.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the Countywide Green Infrastructure Plan, which are consolidated along the stream corridor located along the eastern border of this site. The submitted application shows the preservation of the regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

The Mattawoman Creek stream valley was designated as a special conservation area in the Green Infrastructure Plan because its associated stream basin is among the most productive finfish spawning and nursery streams in the entire Chesapeake Bay region. The quality of the water entering the stream system in the watershed is of particular concern, and when evaluation areas occur within the watershed, woodlands present should be preserved adjacent to streams to widen the corridors adjacent to regulated areas and protect water quality, as discussed further.

The following policies are applicable to the review of the subject application:

Policy 1: Preserve, protect, enhance or restore the green infrastructure network and its ecological functions while supporting the desired development pattern of the 2002 General Plan.

The subject property contains regulated areas, evaluation areas, and network gap areas as identified in the Countywide Green Infrastructure Plan located within the Mattawoman Creek watershed, which is a primary corridor and a special conservation area.

As noted above, it appears that the submitted application shows the preservation of regulated areas and areas adjacent to the regulated areas, in general conformance with the Green Infrastructure Plan. Reviews during future development phases will provide more detailed evaluations of conformance with the Green Infrastructure Plan.

Policy 2: Preserve, protect and enhance surface and ground water features and restore lost ecological functions.

Preservation of water quality in this area will be provided through the protection of the expanded stream buffers and the application of best stormwater management practices. It is recommended that environmental site design techniques be applied throughout this site, to the fullest extent practicable, because this site may be subject to the new stormwater management regulations. The stormwater management concept approval letter states that six wet ponds are proposed to be used to meet the stormwater management requirements.

All future specific design plan submission packages should include a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques to the maximum extent practicable.

Policy 3: Preserve existing woodland resources and replant woodland, where possible, while implementing the desired development pattern of the 2002 General Plan.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

This policy is superseded by the General Plan policy and strategy to meet the requirements of the woodland conservation on-site to the fullest extent possible within the Mattawoman watershed, or if off-site mitigation is required, to provide it within the Mattawoman watershed.

The TCP2 for the subject property should demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it should be provided within the Mattawoman watershed. The use of fee-in-lieu is discouraged.

Conformance with the Subregion 5 Master Plan

The subject property is located within the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment. The protection of the regulated environmental features proposed on the CDP and associated TCP1 is in general conformance with the guidance provided by the master plan.

The ultimate public rights-of-way associated with the subject property (both state and county) conform with the transportation improvements approved with the Subregion 5 Master Plan and the Master Plan of Transportation.

The CDP and TCP1 must be revised prior to certification to show the transportation improvements approved with the Subregion 5 Master Plan, the Master Plan of Transportation, and the US 301 Upgrade Option as determined by the Transportation Planning Section. The preliminary plan and associated TCP1 should also reflect the transportation improvements as shown on the certified CDP plan.

Conditions of Previous Zoning Approvals

Brandywine-Mattawoman SMA: The 1978 Brandywine-Mattawoman Section Map Amendment rezoned the property from the R-R (Rural Residential) Zone to the I-3 and E-I-A Zones.

Subregion V Approved Master Plan and SMA: The 1993 Approved Subregion V Master Plan and Sectional Map Amendment retained the property in the E-I-A and I-3 zoning categories.

There were no conditions associated with these previous zoning approvals.

Zoning Map Amendment A-9989-C: The subject property was rezoned to the R-M Zone by the District Council (Zoning Ordinance No. 17-2008) effective July 11, 2009, subject to conditions and one consideration. The conditions, which are environmental in nature, are shown in bold and are addressed below:

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

9. The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.

A revised Natural Resources Inventory (NRI-002-07/01) for the subject property, in conformance with environmental legislation effective September 1, 2010, was approved on August 19, 2010. The preliminary plan has been revised to correctly show the regulated environmental areas of the site based on the revised NRI.

10. Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.

A revised Type 1 Tree Conservation Plan (TCP1-151-90/01) was submitted with the current application. A condition is proposed below to address this requirement. The proposed condition would require the threshold and the replacement requirements for clearing below the threshold to be provided on-site.

Conformance with the Conditions of Approval for CDP-0901

The following conditions, indicated in bold, were approved as part of CDP-0901 and are environmental in nature:

- 7. Prior to certificate approval of the comprehensive design plan:
 - a. The TCP1 shall be revised as follows:
 - (1) Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - (2) Revise the TCP1 to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 master plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
 - c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

> historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

These revisions to the CDP and TCP1, prior to certification, must also be addressed on the preliminary plan of subdivision and its associated TCP1.

Prior to signature approval of the preliminary plan, the TCP1 should be revised to show the provision of the total of the woodland conservation threshold for the site, plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard will be maintained on all future tree conservation plans.

The TCP1 should reflect the ultimate rights-of-way as approved on the preliminary plan, and the CDP and the TCP1 should be revised to show a minimum 40-foot-wide scenic easement and landscape buffer outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

- 8. Prior to the approval of a specific design plan, the following shall be provided:
 - c. The design of the landscape bufferyard treatment proposed adjacent to the land use envelope for the development pods fronting on Brandywine Road should compliment the landscape and buffer treatments proposed on Lots 21 and 22, Stephen's Crossing, located on the north side of Brandywine Road, or any other development thereon approved by the Planning Board, and shall be addressed with the approval of the SDP.
 - n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 10. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
- 12. Construction/building shells for all office buildings, fronting on Mattawoman Drive, proposed within the 65dBA LDN noise contour or higher, should be designed to reduce noise levels.

The above conditions are applicable to the acceptance or the approval of any SDP and shall be addressed as part of those applications.

†[19. The applicant shall be responsible for tree mitigation required for the construction of Phase 1 recreational facilities in Brandywine Area Community Park, which shall be provided on site and/or off-site on parkland owned by M. NCPPC.

The above condition will be addressed during the review of the TCP for the development of the Brandywine Area Community Park.]

Conformance with Conditions of Approval for CDP-0902

The following conditions, indicated in bold, were approved as part of CDP-0902 and are environmental in nature. Some of the conditions listed below are redundant of conditions required by CDP-0901, and only need to be addressed once under the preliminary plan, which covers both CDPs.

- 6. Prior to certificate approval of the comprehensive design plan, the TCP1 shall be revised as follows:
 - a. Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - b. Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouses and multifamily units. This clear zone should be free of woodland conservation areas or noise mitigation measures that would block access.
 - c. Provide the minimum required widths and areas for preservation and afforestation areas.
 - d. Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - e. Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - f. Eliminate woodland conservation from proposed ultimate rights-of-way and easements.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

- g. Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
- h. Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
- Revise the woodland conservation worksheet to reflect all of the revisions included above.
- j. Have the revised TCP1 signed and dated by the qualified professional who prepared it.

Because the CDP and TCP1 have not received signature approval, these conditions should also be addressed under the preliminary plan prior to signature approval.

- 7. Prior to the approval of a specific design plan, a site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, will be required unless other stormwater management design approvals and/or waivers are granted by DPW&T.
- 8. The TCP2 for the subject property shall demonstrate that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.

The above conditions shall be addressed during the review of any specific design plan and the associated TCP2.

9. Prior to certificate approval of the CDP, the TCP1 shall be revised to conform to the ultimate right-of-ways for the CDP as determined by the Transportation Planning Section based on the Subregion 5 Master Plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.

The conditions to address the ultimate rights-of-way on the preliminary plan and TCP1 are included in the Recommendation section of this report.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

A variation request for impacts to the primary management area (PMA) was submitted on August 2, 2010. However, ordinance changes effective September 1, 2010, the requirement to disturb the PMA requires only a statement of justification and a finding of preservation and/or restoration to the fullest extent possible. The letter previously received with the variation request is accepted as the statement of justification for the review of the PMA impacts proposed.

The statement of justification has been evaluated in the Environmental section of this approval; however, the final design of PMA impacts will need to be evaluated further at the time of SDP. At that time, one of the required findings is that the "regulated environmental features of the site have been preserved and/or restored to the fullest extent possible." The final design of all PMA impacts will be addressed using this required finding at the time of SDP.

11. If revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

The extent of the proposed impacts to the regulated environmental features, after revisions were made to the NRI, preliminary plan, and TCP1, have not been quantified on the application in such a way that a determination can be made regarding whether or not mitigation is required. It appears that the impacts proposed exceed the thresholds that would result in the need for stream and/or wetland mitigation; although, due to the fact that additional revisions to the plans are needed, it is not possible at this time to make this determination.

Because of the general concurrency of the review of the CDP and the preliminary plan, it was not possible to obtain specific information regarding mitigation sites and types. The specific information regarding mitigation sites and a conceptual mitigation plan for the selected sites should be provided with the submission of the first SDP for the project.

Possible mitigation sites have been identified on the stream corridor assessment. If mitigation is required, the mitigation will include stream restoration and/or stabilization, wetland creation, and erosion control projects. Conformance with the above CDP condition can be found with appropriate conditions regarding the method for plan preparation.

If the total stream impacts on the final TCP1 associated with the preliminary plan total 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, the first SDP submission package must include a stream and/or wetland mitigation plan in conformance with Part C of the Environmental Technical Manual. The method to be used to identify possible

mitigation sites will be as follows: the Stream Corridor Assessment database will be researched by the applicant and a list of possible mitigation sites be identified first within the impacted stream system, and then if mitigation cannot be found in this system, mitigation will be focused in the following areas, in the stated order of priority: within the drainage area, subwatershed, watershed, or river basin within Prince George's County.

12. Prior to acceptance of an SDP a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.

This condition will be addressed prior to acceptance of any SDP.

13. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.

A variance for removal of Specimen Tree No. 3 will be evaluated with the associated SDP and TCP2.

14. Prior to approval of TCP2 which proposes to credit as woodland conservation planting occurring with a stormwater management easement, an approved Site Development Stormwater Management Plan shall be submitted to the Planning Department which indicates that the planting areas proposed have been approved by the Department of Public Works and Transportation with regard to the location, size, and plant stocking proposed. No afforestation or preservation area can be shown within 15 feet of the toe of the embankment, or as determined by the Department of Public Works and Transportation or the Soil Conservation District.

A TCP2 is reviewed in association with a SDP. Submittal of a site development stormwater management plan will be required with the SDP application if woodland conservation credits within a stormwater management easement are proposed.

15. Prior to certification approval of the CDP, provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.

All development applications are now subject to the requirements of Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, which must be demonstrated at each step in the development review process. The TCP1 submitted includes a note addressing tree canopy coverage (TCC), but a schedule has been developed by the Environmental Planning Section, which provides a more consistent approach to demonstrating compliance which addressed both tree canopy coverage provided by woodland conservation and that provided by landscape trees. Prior to signature

approval of the preliminary plan, a TCC schedule should be included on the TCP1 indicating how the TCC requirement has been fulfilled.

16. All future SDPs and associated TCP2 shall include a tree canopy coverage (TCC) schedule indicating how the TCC requirements have been fulfilled for the subject application.

An appropriate condition has been included in the Recommendation section of this report and will be addressed with any future SDP and associated TCP2.

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

The above condition will be addressed with any future SDP which proposes residential units.

Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less.

The above condition will be addressed prior to the issuance of building permits for residential uses.

19. All SDPs for the subject property shall demonstrate the use of full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized. At time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

"All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over."

The above condition will be addressed with any future SDP.

- †[22. Prior to the issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including single-family and multifamily units, the applicant shall provide to the Department of Parks and Recreation (DPR), for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities for the Brandywine Area Community Park.
- 23. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in the Brandywine Area community Park.
- 24. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in the Brandywine Area Community Park.
- 25. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park and it shall be provided on-site and/or off-site on parkland owned by M NCPPC.

The above conditions relate to the development of required recreational facilities off site at the Brandywine Area Community Park. A recommended condition requires that, prior to the issuance of 20 percent of the residential building permits, construction drawings and specifications for recreational facilities and related stormwater management facilities for Phase 1 development of the Brandywine Area Community Park be submitted to the Department of Parks and Recreation (DPR). The condition above does not include the required TCP2 that is necessary with the proposed projects.

Prior to the issuance of building permits for 20 percent of the residential units within this preliminary plan, including single family and multifamily units, the applicant should provide to DPR an approved TCP2 for the construction of the Phase 1 recreational facilities at the Brandywine Area Community Park. If off site woodland conservation on parkland is proposed to fulfill the woodland conservation requirements for Brandywine Area Community Park, the applicant will be responsible for preparing a TCP2 or revising an existing TCP2 demonstrating how the requirement will be fulfilled. If off site woodland conservation on parkland is required, then a woodland conservation transfer certificate will be submitted to the Planning Department prior to the issuance any grading permits for the Brandywine Area Community Park.]

†In 2010, the Prince George's County Department of Parks and Recreation (DPR) recommended to the Planning Board, in the approval of the Comprehensive Design Plans CDP-0901 and

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

CDP-0902, conditions for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park (M-NCPPC) including: a softball field, a soccer field, a 65-space parking lot, and a vehicular access road from Missouri Avenue. The Preliminary Plan of Subdivision, 4-09003, established the timing for the preparation of a tree conservation plan construction drawings, and construction of the recreational facilities in the Brandywine Area Community Park.

†However, in 2013, it was determined that the Brandywine Area Community Park was the most suitable site for construction of the regional Southern Area Aquatic and Recreational Complex (SAARC). The land previously designated for construction of the two ball fields and the 65-space parking lot that was to be built by the developer of Villages of Timothy Branch is needed for the construction of SAARC, and is no longer available for the facilities that the applicant is conditioned to construct.

†The planning and development of the construction documents for this multi-generational regional community center are well underway. This 77,000-square-foot recreational complex, as envisioned in the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space is a multi-generational facility that will provide an array of programs to serve the recreation and leisure needs and interests of the entire family and not just one age group. SAARC will include an indoor aquatic space, a double gymnasium, a walking track, a fitness center, and a flexible programmable space. The pedestrian and vehicular access to the park will be provided from Cattail Way and Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the recreational complex will be under construction in 2015 and will be completed in 2017. The future residents of the Villages of Timothy Branch will be able to walk to this recreational complex through the master planned trail to be located along Cattail Way.

†DPR met with the developer of the Villages of Timothy Branch and discussed the challenges associated with the Brandywine Area Community Park site. DPR and the developer agreed that an appropriate alternative to the construction of the required recreational facilities would be a monetary contribution in lieu of construction. DPR, in cooperation with the developer, prepared a cost estimate for the required design and construction of the recreational facilities. Based on the cost estimate, DPR and the developer established a monetary value of the contribution-in-lieu of construction of the required facilities of \$700,000.

†By memo dated February 11, 2015, the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015, the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-

site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

Conditions of Prior Preliminary Plan Approvals

Preliminary Plan 4-92048 was approved in 1992, subject to conditions contained in PGCPB Resolution No. 92-187. The only portion of the subject property zoned R-M, platted under Preliminary Plan 4-92048, was Parcel G (NLP 180 @ 31). This portion of the subject property includes a 30-foot-wide landscape buffer adjacent to Short Cut Road, as well as 100-year floodplain, wetlands, wetland buffers, and non-disturbance buffers. The portion of Parcel G which was included in the R-M rezoning is proposed to remain undisturbed, except for a small area of afforestation proposed along the northern boundary with Parcel G. The preliminary plan has since expired.

The proposed comprehensive design zone will require subdivision of the subject property, excluding Parcel E. The current application fulfills this requirement.

Environmental Review

As revisions are made to the plans submitted, the revision boxes on each plan sheet should be used to describe what revisions were made, when, and by whom.

Review of the Natural Resources Inventory

A revised Natural Resources Inventory (NRI-002-07/01) for the overall Villages at Timothy Branch was approved August 13, 2010. The revised NRI reflects the enlarged stream buffer widths approved by the County Council on July 13, 2010, which became effective September 1, 2010. All associated plans have been revised to correctly reflect the larger stream buffers and the regulated environmental features as delineated on the NRI. No additional information is required with regard to the NRI.

Impacts to the Primary Management Area

Nontidal wetlands, streams, and 100-year floodplain are found to occur on this property. These features and the associated buffers comprise the primary management area (PMA) on the subject property in accordance with Section 24-101(b)(22) of the Subdivision Regulations. The preliminary plan and NRI correctly reflect the required stream buffers.

Section 24-130(b)(5) of the Subdivision Regulations requires that the PMA be preserved in a natural state to the fullest extent possible. The methods to determine fullest extent possible are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and where necessary, mitigation. The manual also describes what types of impacts are considered necessary and the types that should be avoided.

A variation request for eight PMA impacts was received on August 2, 2010, and was discussed at the Subdivision and Development Review Committee (SDRC) meeting on August 5, 2010. The variation request has been accepted as a statement of justification, although it does not address how impacts have been avoided and/or minimized in the design of the subject application. The area of impacts increased in areas where the NRI was revised in accordance with Subtitle 24.

The individual impacts proposed are evaluated in the table below:

Impact No.	Type of Impact	Area of PMA Impacts	Wetland Impacts?	Evaluation of PMA impact
1	Construction of stormwater management pipes and outfall under Mattawoman Drive	33,761 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
2	Stormwater outfall and sewer line connection	7,997 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
3	Construction of Mattawoman Drive	9,252 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
4	Road construction of Road H	10,035 s.f.	No	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
5	Construction of berm adjacent to US 301/MD 5	15, 575 s.f.	No	Berm can be shifted farther onto the subject property to protect the PMA; avoidance criteria have not been met. Impact not approved.
6	Construction of master planned hiker-biker trail and sewer line connections	18,894 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
7	Construction of master planned hiker-biker trail and sewer line connections	11,695 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
8	Construction of a sewer connection	5,632 s.f.	Yes	This impact is necessary and has been placed at the location of least impact; avoidance and minimization criteria have been met. Impact supported.
Total		112,841 or 2.59 acres		

All of the requested impacts are approved by the Planning Board, except for Impact 5 for construction of the noise berm along US 301 because the criteria for avoidance and minimization have not been met. In this case, shifting the berm to the east will avoid the proposed impacts.

<u>Underlining</u> indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

If the preliminary plan and TCP1 are revised to eliminate Impact 5, the regulated environmental features on the subject property can be found to have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan submitted for review. The impacts approved are for the installation of sanitary sewer lines, construction of master-planned roads, installation of stormwater management outfalls, and connection to a trunk sewer line.

Regulated Environmental Features

At the time of final plat, a conservation easement is required to be placed over the regulated environmental features to be preserved and over those areas that are being counted toward meeting the requirements of the Woodland and Wildlife Habitat Conservation Ordinance. The approval of the final plat will occur after the approval of the associated specific design plan so that the areas to be preserved and/or planted will be clearly delineated. Approval of the final plat should not occur until after approval of the associated specific design plan that shows all of the proposed development, the associated building envelopes, and the areas to be preserved and/or planted. This final plat should show a conservation easement with required notes and permit information per the recommended conditions.

Woodland and Wildlife Habitat Conservation Ordinance

This site is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the entire site has a previously approved Type I tree conservation plan and portions of the site have an approved Type II tree conservation plan.

A Type I Tree Conservation Plan (TCPI/151/90) was approved for the overall site application when the pre-1993 woodland conservation threshold (WCT) standard of 10 percent of the net tract area for industrial zones was required with no replacement required for clearing.

The Maryland Forest Conservation Act (FCA) passed by the General Assembly in 1991 established minimum WCT requirements for local authorities that were greater than those previously established by county legislation. As a result, the WCT for industrially-zoned properties in the county was raised to 15 percent of the net tract area. The FCA also required "replacement" in the calculation of the woodland conservation requirements for the site; this was intended to provide a disincentive for the clearing of trees excessively in the development process. In 1993, county regulations were revised to include these provisions.

The Brandywine Commerce Center (TCPI/151/90) was grandfathered under the requirements of the pre-1993 ordinance and, as a result, the woodland conservation requirement for the overall property was 31.53 acres based on a net tract area of 315.31 acres. Type II Tree Conservation Plans TCPII/68/93, TCPII/84/93, and TCPII/42/97 were subsequently approved under the pre-1993 requirements, in conformance with the previously approved TCPI.

With the recent rezoning of the property, except for Parcel E which remained in the E-I-A Zone, the subject property was changed to the R-M and L-A-C Zones. Because the development pattern proposed is significantly different than the previous approval, this property is no longer grandfathered under the requirements, and will now need to meet the requirements of the current Woodland Conservation Ordinance. The L-A-C Zone has a 15 percent WCT. The R-M Zone has a 20 percent WCT.

Woodland conservation for Parcel E, to the extent required, has been accounted for on the revised plans submitted. The area of the previously approved TCPII (TCPII/042/97) was included in the original TCPI approval and the woodland conservation requirement was calculated and fulfilled in accordance with the pre-1993 ordinance. Notes on that TCPII state that:

"The tree preservation requirements for this project were fully accounted for as part of the approved Brandywine Commerce Center, Phase I & Phase II Type II TCPII/68/93. Any clearing of the previously established preservation areas will be reforested in accordance with these plans."

Additional notes on the TCPII indicate that the woodland conservation requirement for Parcel E was determined to be 2.55 acres, and that 0.58 acre were provided in on-site preservation and 0.24 acre were provided through on-site reforestation. Therefore, 1.73 acres of woodland conservation was required for Parcel E on the remainder of the Brandywine Commerce Center property. The revised TCP1 demonstrates the fulfillment of this requirement on the remainder of the property.

Woodland Conservation and Clearing

The TCP1 covers a 334.26-acre property that contains 175.35 acres of upland woodlands and 28.64 acres of wooded floodplain. The TCP1 encompasses the land area that is included in both CDP-0901 and CDP-0902 for The Villages of Timothy Branch.

The TCP1 proposes clearing 144.30 acres of upland woodlands and 1.06 acres of wooded floodplain. The WCT for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed with the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCPII/42/97) is 109.80 acres. The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site.

Because much of the site is located within a designated evaluation area of the Countywide Green Infrastructure Plan and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing woodlands is the highest priority, but additional afforestation on-site in priority areas to widen stream buffers and protect sensitive environmental features is also recommended. In addition, the strategies contained

in the General Plan indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it be fulfilled within the Mattawoman Creek watershed.

The WCT for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this exceeds the WCT for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible; however, the submitted TCP2 does not fulfill this standard. Revisions to the submitted TCP1 and the provision of notes on the final plat are required. The woodland conservation requirements should be fulfilled on-site or within the Mattawoman Creek watershed.

Technical Revisions to the TCP1

The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance (WCO), approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the WCO sets the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet wide and the minimum contiguous area is 10,000 square feet. The minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees.

It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plan must be revised to meet these minimum standards and all of the design criteria contained in Section 25-122. For example, Preservation Areas PA-1 and PA-2 are very small and impractical to preserve. It also appears that PA-2 is within a master-planned right-of-way and, as such, cannot be counted. Reforestation Area RA-2 contains several locations that do not meet the minimum width standards, resulting in several fragmented areas that will not meet the minimum size requirements. A complete analysis of the proposed preservation and afforestation areas must be conducted by a qualified professional prior to submission for signature approval to ensure that the plans meet the minimum standards of Subtitle 25.

Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a 10-foot-wide unobstructed area must be maintained around all sides and rears of each stick of townhouses, or duplexes in this case. This clear access zone should be unobstructed by woodland conservation areas, landscaping, or noise mitigation measures.

It appears that woodland conservation is being proposed within the proposed rights-of-way of public roads. Section 25-122(b)(1)(N) contains restrictions for the placement of woodland conservation within rights-of-way. The plans should be revised accordingly.

The specimen tree table must be revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees must be included in the specimen tree table. The table also lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at the time of TCP2 review, the trees must be survey located.

If any of the minimum standards of Subtitle 25 cannot be met and a variance request associated with the CDP was not approved for a certain design feature, then the TCP1 associated with this application must meet all of the minimum standards.

Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned R-M are required to provide a minimum of 15 percent of the gross tract area in tree canopy. It appears that this property will be able to meet the requirement by using the existing woodlands that are proposed to be preserved (the woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement).

Soils

According to the *Prince George's County Soil Survey*, the principal soils on the site are in the Beltsville, Bibb, Chillum, Croom, Elkton, Iuka, and Leonardtown series. Beltsville soils are highly erodible, have perched water tables, and impeded drainage. Bibb soils are highly erodible and hydric. Chillum soils are highly erodible. Croom and Sassafras soils pose few difficulties for development. Elkton and Iuka soils are highly erodible and hydric. Leonardtown soils are highly erodible, have perched water table, poor drainage, and typically have wetlands. High groundwater is problematic for both foundations and basements. This information is provided for the applicant's benefit, and may affect the architectural design of structures, grading requirements, and stormwater management elements of the site. The Prince George's County Department of Public Works and Transportation (DPW&T) may require a soils report in conformance with County Council Bill CB-94-2004 during the permit process review.

General Plan Noise Standards

Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards.

†Denotes 2015 Amendment *Denotes 2012 Amendment Underlining indicates new language

Crain Highway (US 301) is an existing source of traffic-generated noise, and a master-planned freeway. Using the Environmental Planning Section (The Maryland-National Capital Park and Planning Commission (M-NCPPC)) noise model, the anticipated 65 dBA Ldn noise contour would lie 690 feet from the center line of US 301. Because the closest point of development in the L-A-C-zoned portion of the site is located over 1,500 feet from US 301, there is no need to mitigate transportation-related noise impacts within the L-A-C-zoned portion of the site for US 301.

Mattawoman Drive is a master-planned arterial roadway that may have noise impacts on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. The Subdivision Regulations require that residential development adjacent to an arterial roadway provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts on proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates, in part, that:

"Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

Previous comments requested that the TCP1 and preliminary plan be revised to show the location of the unmitigated 65 dBA Ldn noise contours. The TCP1 and preliminary plan have been revised to show the unmitigated 75, 70, and 65 dBA Ldn noise contour at ground level for the portion of Mattawoman Drive north of Road N. The entire length of Mattawoman Drive north of A-55 is classified as an arterial (A-63), so the unmitigated noise contours must be delineated for the entire length of Mattawoman Drive on the subject property.

The TCP1 and preliminary plan have been revised to show the location of all unmitigated noise contours of 65 dBA Ldn or greater adjacent to roads classified as arterials or higher. The plans also show conceptually how noise mitigation will be provided.

Brandywine Road

Brandywine Road (MD 381) runs along the northern boundary of the subject property, and was designated in the Subregion VI Master Plan (1993) as a historic road. Because Brandywine Road

is a state road, it is not subject to the Design Guidelines and Standards for Scenic and Historic Roads adopted by DPW&T, and is subject to road improvements as determined by the Maryland State Highway Administration (SHA).

SHA has adopted a policy of implementing context sensitive solutions (CSS) for road construction, which applies to all of SHA's projects. Context sensitive solutions result from a collaborative, interdisciplinary approach to developing and implementing transportation projects, involving all stakeholders to ensure that transportation projects are in harmony with communities and preserve and enhance environmental, scenic, aesthetic, and historic resources while enhancing safety and mobility. Prince George's County has a special interest in encouraging context sensitive solutions when state roads are also county-designated scenic and historic roads.

The previous master plan for Subregion V (1993) classified Brandywine Road as an industrial road west of Mattawoman Drive. East of Mattawoman Drive, passing over the Timothy Branch stream valley and towards adjacent residential zoning, Brandywine Road was proposed to remain a collector (C-613).

The recently approved Master Plan for Subregion 5 (2009) retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive to collector status. As previously noted, Record Plat NLP 181 @ 41 delineates a 30-foot-wide landscape buffer associated with the subject application in the following locations: the south side of Short Cut Road, the south side of Brandywine Road, and the west side of Mattawoman Drive. This 30-foot-wide landscape buffer was required in order to conform to the buffer requirements of the prior I-3 zoning.

The design and implementation of any road improvements to Brandywine Road required by this project must include context sensitive solutions and the review should be coordinated with SHA and the Transportation and Environmental Planning Sections of M-NCPPC. The preliminary plan shall be revised to address all CDP conditions regarding roadway buffering.

Stormwater Management

The Stormwater Management Concept Approval Letter and Plan (11355-2009-00), approved on May 26, 2009 by DPW&T, was submitted with this application which included sixteen conditions of approval and five traffic safety comments. No further information about the stormwater management concept approval letter or plan is necessary at this time. A site development stormwater management plan is required to be reviewed with the SDP for the site. This plan shall be submitted as part of the SDP submittal requirements and reviewed along with the SDP.

6. Variation for Lot Depth—The applicant requests a variation from Section 24-121(a)(4) of the Subdivision Regulations for the purpose of reducing the required residential lot depth adjacent to Mattawoman Drive, a designated arterial road, and US 301/MD 5, a designated freeway.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

Section 24-121(a)(4) of the Subdivision Regulations establishes design guidelines for lots adjacent to existing or planned arterial roads and freeways. This section requires that lots adjacent to arterials be platted with a minimum depth of 150 feet. Lots adjacent to freeways shall be platted with a depth of 300 feet. This requirement provides ample space to create adequate protection from traffic nuisances including berms, plantings, and fencing, as well as the option of establishing a building restriction line where appropriate. The ordinance uses the word adjacent which is defined in Section 27-107.01 of the Zoning Ordinance as nearby, but not necessarily sharing a common point or property line ("abutting," "adjoining," or "contiguous").

This property is bounded on the west side by US 301/MD 5, a designated freeway. Parcel D, a proposed homeowners association (HOA) parcel, immediately abuts this road. The parcel ranges in depth from 90 feet to 110 feet. Fifteen single-family dwellings and twenty-four townhomes immediately abut the east side of the parcel. The single-family dwellings are approximately 120 feet deep. The townhome lots are approximately 90 feet deep. The effective depth of the adjacent lots, meaning the lot depth plus the intervening Parcel D, totals between 210 and 230 feet. The applicant requests a lot depth variation for these single-family and townhome lots from the required 300 feet. Staff supports these variation requests if studies, at the time of SDP, show that the mitigated impact of noise from US 301/MD 5 is less than 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interiors of the houses.

Proposed Mattawoman Drive, a designated arterial road, bisects the property. Approximately ten residential lots for multifamily and two-over-two dwellings are proposed along Mattawoman Drive. In most cases, these are shown to be 150 feet deep, but several of the property lines are unclear. A full 150-foot lot depth is required for these parcels to provide the setbacks that are required in the approved CDPs. The applicant should revise the plans to show a 150-foot lot depth for all multifamily parcels along Mattawoman Drive. The applicant has identified 33 other residential lots that are adjacent to Mattawoman Drive and require variations. For most of these, a portion of the property is within 150 feet of the road, but is most often screened by other dwellings that immediately front the road. The Planning Board approves these variation requests, with some flexibility in the absolute number of lots impacted by this variation to allow some revisions in the lotting pattern at the time of SDP, subject to conditions.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and

purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

Approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

The Planning Board's approval of the two affiliated CDPs was extensive with regard to design considerations to address noise concerns. The preliminary plan and TCP1 should be revised to reflect the noise-related revisions to the CDPs required by conditions of approval, including required setbacks along Mattawoman Drive. This is further addressed in the Urban Design findings below.

The applicant proposes dwelling units adjacent to US 301 with noise mitigation provided by an earthen berm. The footprint of the proposed berm is 100 feet for most of its length and, as it goes around the Southern Maryland Oil property, it narrows to less than 50 feet. This may not be sufficient space to provide the height proposed. The berm is also proposed to be partially located within the ultimate right-of-way of US 301.

A minimum lot depth of 300 feet is required along a freeway or expressway. The plan proposes 27 townhouse units and 12 single-family dwelling units which do not meet the 300-foot lot depth from the ultimate right-of-way. A noise mitigation berm 25 feet in height has been proposed along US 301 to reduce the noise exposure from the freeway on the proposed residential dwellings.

The single-family dwellings proposed have a minimum lot depth of 240 feet and require variations ranging from zero to 60 feet to meet the standard. Based on design standards proposed in the CDP text, a 25-foot-wide front yard is proposed for the single-family dwellings in the R-M Zone (page 30) with a 25-foot-wide minimum rear yard. This would place the dwelling unit outside of the 75 dBA Ldn noise contour, and a substantial amount of the outdoor activity areas would also be outside of the 75 dBA Ldn noise contour.

The townhouses proposed have a minimum lot depth of 190 feet from the right-of-way and require variations ranging from 90 to 110 feet to meet the standard. Based on the design standards proposed in the CDP text, an 800-square-foot minimum yard area is required for townhouses in the R-M Zone (page 30). This would place the dwelling unit outside of the 75 dBA Ldn noise contour, with a substantial amount of the outdoor activity areas inside of the 75 dBA noise contour. The

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

noise mitigation proposed consists of a 25-foot-high berm located 100 feet or less from the rear of the structures. It is not clear that the applicant can provide adequate noise mitigation in this area.

At the time of SDP, the applicant shall provide evidence that the outdoor activity areas of the single-family and townhouse lots along US 301/MD 5 will be outside of the 65 dBA Ldn mitigated noise contour. The earthen berm proposed in this area should be analyzed in light of the future right-of-way for US 301/MD 5. If mitigation to these levels cannot be accomplished, the applicant shall move all lots outside of the 75 dBA Ldn unmitigated noise contour. The loss of lots may result if the lots cannot be appropriately relocated at the time of SDP.

The applicant proposes a variation to 33 lots adjacent to Mattawoman Drive (A-63). Most of the properties requiring variation are oriented along side streets, with a side wall facing the arterial roadway. Acceptable noise levels for outdoor activity areas are 65 dBA Ldn for outdoor activity areas and 45 dBA Ldn for indoor areas. In these cases, additional interior and exterior noise mitigation measures, such as fences or walls, should be required at the time of SDP.

Future revisions at the time of SDP may result in a change to the number of lots that are impacted by noise along Mattawoman Drive. The Planning Board approves a variation to lot depth along the length of Mattawoman Drive subject to conditions that the acceptable noise levels identified above are maintained.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

The conditions on which the variations are based are unique to the property. Noise from two master-planned roadways designated as arterial and higher impact the site. At the same time, master plans and the approved zoning call for significant residential density in this area. The site is further constrained from the east by the Timothy Branch stream valley. There are few places on the site that can accommodate residential development, protect the environment, and avoid some impact from roadway noise.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The master plan mentions, but does not preclude, development within areas impacted by noise. The master plan includes the following recommendations concerning noise intrusion that are particularly relevant to this development application:

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

Strategies: Evaluate development and redevelopment proposals in areas subject to significant noise intrusions using Phase I noise studies and noise models.

Provide for adequate setbacks for development exposed to existing and proposed noise generators and roadways of arterial classification or greater.

Further review of noise issues, particularly for the interior of buildings, will take place at the time of SDP. It should be noted that, while interior noise can be mitigated using sound absorption materials in construction, outside noise cannot be as easily mitigated. Hence, granting a variation to the lot depths along MD 5/US 301 should be carefully analyzed to ensure that the outside noise levels will not cause significant adverse impacts to future residents, particularly to children.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Without the approval of these variations, the subject property would not be developed in accordance with the vision and goals of the master plan and the approved basic plan. Development constraints on this site that are specific to the property, including the required construction of a master plan required arterial and the proximity to a freeway, create a particular hardship that requires relief provided by these variations.

7. Community Planning.—The land use proposed by this application is consistent with the General Plan Development Pattern policies for the Developing Tier and a community center. This application is located in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. A portion of the application is within the boundaries of a designated community level center for Brandywine, per an amendment to the General Plan approved as part of the 2009 Approved Subregion 5 Master Plan. The vision for centers is mixed residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development.

This application conforms to the recommendations of the 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment for a mix of residential and commercial land uses in the Developing Tier and appears to conform to recommendations for a residential component of mixed land use in the Brandywine Community Center, albeit at the low end of the recommended density range. Until published, the approved master plan and SMA consists of the following documents: the February 2009 Preliminary Subregion 5 Master Plan and Sectional Map Amendment as revised or amended by an Errata Sheet dated March 31, 2009; the Planning Board Resolution of Adoption (PGCPB No. 09-109); and the District Council Resolution of Approval (CR-61-2009).

The location of the transit facility and the designation of the center core has driven the location of multifamily dwellings in this development, therefore, the applicant should show the center core and edge boundaries on the preliminary plan and indicate that the development densities proposed in the center edge and center core conform with plan polices for residential land use in this center.

The following planning issues were identified in the review of the preliminary plan of subdivision:

a. Transit Right-of-Way—The Maryland Transit Administration (MTA) has completed a multi-year project and released a final draft report for the Southern Maryland Transit Corridor Preservation Study (January 2010) which recommends the preservation of right-of-way for future transit from La Plata to the Branch Avenue Metro Station. The recommendations in the study reinforce the county's approved land use plan along the MD 5/US 301 corridor. At the location of the proposed Villages of Timothy Branch development, the preferred alternative for the transit right-of-way is along the east side of MD 5/US 301. This right-of-way should be noted on the preliminary plan and land needed to preserve the future right-of-way should be included in any development proposals for this area.

The MTA final draft report states:

Section 1.2, Purpose and Need of Corridor Preservation Study

"Acting now to preserve a transit right-of-way in the study area is the first step towards reaching the goal of a future transit system along the MD 5/US 301 corridor. Waiting to preserve a transit right-of-way could allow the inevitable continued growth in the region to occur in form of sprawl, risking the loss of available land, and the loss of continued right-of-way for transit. Additionally, preserving right-of-way will help enable the counties to coordinate land use with the transit system so they complement each other."

Section 5.1, Selection of Preferred Alternative

"The Preferred Alternative would provide service to all important trip generators including: Saint Charles Towne Center, Waldorf, Brandywine Crossing, Southern Maryland Hospital Center, Woodyard Crossing, Andrews AFB, and the Branch Avenue Metrorail station. Additionally, the Preferred Alternative would provide service to both Charles and Prince George's counties proposed developments within the corridor.

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

"The Preferred Alternative has been identified as an alignment Charles and Prince George's County should protect through their Master Plans. Preservation will enable the counties to plan for transit by implementing policies supportive of densely developed, walkable, mixed-use centers that would attract and create transit trips, thus improving the cost-effectiveness of providing service on the alignment. Nevertheless, future project planning and development processes, such as the FTA's New Starts program and NEPA, will require revisiting potential alignments and modes."

Section 5.2, Station Locations & Connectivity—Timothy Branch (TB)

"The TB Station is the southern most station in Prince George's County and expected to be mostly a walk-up station. However, to support potential drive access from the west side of MD 5/US 301, a 200 space surface parking lot is recommended. The station is located at Brandywine Crossing, a new commercial development. Additionally, the Subregion V Master Plan has identified a community center on the east side of MD 5/US 301 within walking distance of the TB station. The community center would provide mixed-use buildings and interconnected walking and bicycle paths, which are optimal around transit stations."

The plan does not show the proposed transit alignment along US 301/MD 5 on the west side of this application although a symbol for a proposed transit station in the vicinity of the application's southern property line is included. As discussed in the Transportation finding, the applicant is providing a berm for mitigation along US 301/MD 5. The area proposed for this berm constitutes ample area for future configurations of this transit facility. As the development of the transit connection has not reached a design stage that will allow dedication or reservation of property, the actual alignment cannot be shown on the plan. However, the proposed transit alignment should be noted along US 301 on the preliminary plan of subdivision.

b. Truck Traffic and Industrial Access—The warehouse use in the abutting E-I-A Zone generates significant truck traffic. The sole access to this site is from Brandywine Road along Mattawoman Drive. Presently, large trucks cue up and sit idle or are parked along Mattawoman Drive. This is not appropriate in a residential area. In the alternative, ingress and egress to the site from Short Cut Road from the north could entirely eliminate this truck traffic through the Timothy Branch development. Approximately 500 feet of roadway would need to be constructed through the applicant's industrially-zoned property (Parcel G) to make this connection. To ensure the compatibility of future residential uses in Timothy Branch with this existing industrial use, the existing entrance off of Mattawoman Drive should be limited to passenger vehicles, and trucks should utilize a

new road from Short Cut Drive. The construction of this roadway should be timed so that new residential development will not be negatively impacted by truck traffic.

Providing an access connection between the existing warehouse/distribution facility and Short Cut Road was included as a condition of approval of CDP-0902. The preliminary plan should be revised to show this proposed connection. Plans for the connection should be finalized prior to SDP approval to provide an alternative access to this warehouse operation, especially for heavy truck traffic.

- c. Residential and Industrial Land Use Compatibility—The applicant proposes to construct 146 townhouse dwelling units in Pod G. Abutting Pod G to the west are three industrial parcels in the I-1 Zone. The Southern Maryland Transit Corridor Preservation Study (January 2010) identifies a possible maintenance yard for buses or trains on one of the I-1-zoned parcels. Although this is only one possible location for the maintenance yard, the property was retained in the I-1 Zone in the 2009 Sectional Map Amendment, therefore, industrial development is likely. Since the approval of CDP-0902, the applicant has provided an exhibit redesigning this area. The redesign replaces the townhomes along this edge with duplexes that have larger rear yards. This also increases the distance from the site boundary to the rear of the property lines from 80 feet to 100 feet. This is an improved design generally and allows further opportunity for screening landscaping at the time of SDP for increased buffering in this area.
- d. Noise impacts on residential lots located within the higher noise contours that are not recommended for residential uses. The noise impacts are addressed in the Variation section †[of this report].
- 8. Parks and Recreation—The Commission has reviewed the comprehensive design plans and Preliminary Plan 4-09003 for conformance with Basic Plan A-9997-C and A-9998-C conditions, the requirements and recommendations of the current approved Prince George's County General Plan, the Approved Master Plan and Sectional Map Amendment for Subregion 5, zoning regulations, subdivision regulations, and existing conditions in the vicinity of the proposed development as they pertain to public parks and recreation facilities.

The subject property consists of 262 acres in the Residential Medium Development (R-M) Zone and 72.26 acres in the Local Activity Center (L-A-C) Zone. The applicant's proposal indicates that 1,200 residential dwelling units will be provided as part of the planned development, including single-family and multifamily dwelling units. Using current occupancy statistics for single-family and multifamily dwellings, the proposed development would result in an increase of 3,328 additional residents in the Brandywine area community.

[†]Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

The addition of 3,328 new residents to the existing Brandywine community would significantly impact public recreational facilities in the existing community. The Prince George's County General Plan establishes objectives related to the provision of public parkland. The General Plan states that a minimum of 15 acres of M-NCPPC local parkland should be provided per 1,000 county residents and 20 acres of regional, countywide, and special M-NCPPC parkland per 1,000 residents. By applying the General Plan standards for the projected population in the new community (3,328), 50 acres of local and 66.5 acres of regional public parkland suitable for active recreation will be needed to serve the proposed development.

Section 24-134 of the Subdivision Regulations requires the mandatory dedication of 30.5 acres of parkland suitable for active and passive recreation to serve the proposed development.

Prior approvals, including the basic plans and CDPs, provide requirements for improvements to the nearby undeveloped Brandywine Area Community Park. To meet the mandatory dedication of parkland under the Subdivision Regulations, the applicant proposes private on-site recreational facilities in lieu of mandatory dedication of parkland. These on-site private recreational facilities meet the Subdivision Regulations. The †payment of a fee-in-lieu of off-site public facilities adequately serve the residential needs of the development and meet the Zoning Ordinance requirements.

Off-site Public Facilities

To meet zoning requirements, the applicant proposes † the payment of a fee-in-lieu of off-site public recreational facilities. Condition 8 of approved Basic Plans A-9987-C and A-9988-C states:

- 8. At the time of Comprehensive Design Plan, the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Park and Recreational Facilities Guidelines and dedication of on-site a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Park and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

The subject property is located 0.75 mile south of the undeveloped, 62-acre Brandywine Area Community Park. †[A-park concept plan has been developed which demonstrates that the park property can accommodate the following recreational facilities:-soccer field, softball field, youth soccer field, school-age playground, tot lot, four pienic shelters, two basketball courts, asphalt and nature trails, and a 130-space parking lot. Currently, there is no Capital Improvement Program (CIP) funding allocated for the development of this park.]

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

To address conditions of the basic plans and provide recreational opportunities for the residents of the proposed development, the applicant proposes the †payment of a fee-in-lieu for the construction of major off-site recreational facilities at nearby Brandywine Area Community Park †[including: one softball field, one soccer field, and a 65 space parking lot. The first phase of park construction will have access from Missouri Avenue].

On-site Private Facilities

To meet subdivision requirements, the applicant proposes on-site private recreational facilities. In addition, the applicant proposes an extensive package of on-site private recreational facilities including: two recreational centers with swimming pools, tennis courts, two gazebos, a stream valley trail, tot lot, school-age playground, three multi-age playgrounds, and one open play area.

The development of these facilities was generally addressed in the conditions of CDP-0901 and CDP-0902. Those conditions state:

An overall recreational facilities agreement (RFA) should be required to address the development of these facilities. With specific RFAs, appropriate triggers for construction and timing for the bonding of these facilities can be established to ensure a concurrency of the provision of the facilities as the development progresses.

The combination of the proposed package of on-site private recreational facilities and †a fee-in-lieu of \$700,000 for off-site public recreational facilities will satisfy the recreational needs of the residents of the Villages of Timothy Branch planned community, and fulfill the requirements of mandatory dedication †and Condition 8(b) of A-9987.

9. Trails—The proposal was reviewed for conformance to the provision for trails, sidewalks, and pedestrian circulation in the Approved Countywide Master Plan of Transportation (MPOT) and the Subregion 5 Master Plan and Sectional Map Amendment (area master plan).

The development proposal is in the "community center" described on pages 49 and 50 in the area master plan. A variety of road cross sections exist along Brandywine Road and sidewalks are missing along many segments. Sidewalk and pathway construction is needed within the Brandywine and Aquasco communities, and Brandywine Road is a heavily-used corridor for long distance cyclists. All development plans in these areas should include dedication for on-road bicycle accommodations, sidewalks, sidepaths, trails, and off-road bicycle accommodations where specified by the master plans or where proposals require these facilities to meet other master plan goals.

Both the area master plan and the MPOT recommend that pedestrian and bicycle facilities be constructed as part of new development in the Brandywine area where the subject property is located. The area master plan recommends that future development in Brandywine be connected

by pedestrian and bicycle networks to areas north of the subject site, where Brandywine Road provides a parallel route to MD 5 for pedestrians and bicyclists. The plan recommends that Brandywine Road contain a dual-route bikeway between MD 223 and the Charles County line. A dual-route bikeway contains both an on-road bikeway and a sidepath for multi-use purposes, including bikes, pedestrian, and other trail users. The area master plan recommends that sidewalks be constructed throughout Brandywine, and that a stream valley trail be constructed within the Timothy Branch stream valley to provide a section of trail network between Dyson Road and Mattawoman Creek. Brandywine Road is depicted on the MPOT map set as a proposed bikeway/sidepath.

Additionally, the area master plan recommends that developers provide bicycle parking, lockers (if they are major employers), bicycle-friendly intersection improvements, and trail connections as part of development proposals (page 122). The plan recommends bicycle signage and safety improvements along designated bikeways.

The MPOT recommends that Developing Tier centers and corridors should integrate the transportation system with a mix of land uses that support all modes of travel, including future use of moderate bus transit service, as well as bicycle and pedestrian modes of travel for shopping, recreation, and commuting trips. Corridor and right-of-way preservation for future transportation (particularly transit) facilities and systems are major challenges in the Developing Tier, particularly on roads that serve Developing Tier centers (page 20).

The District Council approved Basic Plans A-9987-C and A-9988-C with conditions in July 2008. Those conditions address the provision of trails and sidewalks within this development site.

Based a meeting with the applicant on October 14, 2010 and a staff level meeting on October 18, 2010, a number of modifications were made to the recommended conditions of approval.

Mattawoman Drive/Matapeake Business Drive Condition 5 of A-9987-C and A-9988-C states:

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive (A-63) is a proposed bikeway/sidepath as depicted on the map set in the MPOT. It is a master-planned arterial road and should contain sidewalks, and a sidepath or on-road bikeway. The zoning cases require that the applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T. As stated in the Transportation finding, no further dedication of Mattawoman Drive is required.

It is recommended that the applicant provide a sidepath along the east side of Mattawoman Drive and a sidewalk on the west side of the road to fulfill the MPOT recommendation. The specific details of the sidewalks and pedestrian refuges will be reviewed at the time of specific design plan.

Matapeake Business Drive (A-63) is proposed to begin south of the intersection of A-63 and A-55. This has been moved off site in recent revisions to the plan. All recommendations for Matapeake Business Drive are contained in those for Mattawoman Drive.

Nearby Roadways

Condition 4 of A-9987-C and A-9988-C states:

4. The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.

The area master plan moved A-55 off of the subject site to the south. This condition is no longer applicable to this development.

Short Cut Road runs along the northwest frontage of the site. This road will eventually contain pedestrian and bikeway facilities within the Brandywine Community Center where the road will serve new uses. No new uses are proposed along this road, and the road may be affected by a planned highway interchange at the intersection of Crain Highway (US 301) and Branch Avenue (MD 5).

Brandywine Road runs along the north frontage of the site. As addressed in the Environmental finding above, this road is a designated historic road. The applicant should provide an eight-foot-wide sidewalk or sidepath along the subject site's entire frontage of Brandywine Road, unless modified by SHA. As identified in the Transportation finding, the applicant is proposing dedication along Brandywine Road of 40 feet from centerline. This has been deemed adequate. Striping of the bike lane is entirely in SHA's control and the dedication that they require can accommodate either bike lanes or wide outside curb lanes, at the discretion of SHA.

Timothy Branch Trail

The area master plan and the MPOT recommend a trail along the Timothy Branch stream valley between Dyson Road and Mattawoman Creek. A significant section of this planned trail is part of this application. This trail should be linked to the subdivision and be aligned along the stream valley.

Condition 3 of A-9987-C and A-9988-C states:

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Condition 3 of CDP-0901 states:

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

Condition 35 of CDP-0902 states:

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This trail location has been evaluated from a number of perspectives. As proposed by the applicant on the preliminary plan, the trail conforms to the conditions of Basic Plans A-9987-C and A-9988-C, and it appears to be adequate for the proposed use and will implement the master-planned trails in this area. The applicant is providing this trail along the appropriate portions of the Timothy Branch stream valley.

The Planning Board has determined that trail locations are sometimes so close to single-family private residential lots that special notification is needed to inform future homebuyers of the trails' location. The present case does contain some trail locations and alignments that bring the trail close to residential lots.

The applicant shall provide the eight-foot-wide master plan trail along the Timothy Branch stream valley at the location agreed to by the applicant, DRD, and the trails coordinator. This trail will also utilize existing subdivision roads where necessary to avoid environmental impacts and running immediately behind residential lots. As this trail will be a private HOA trail, no equestrian component is recommended.

The HOA can elect to provide any signage that residents request in the future. Residents of the community will be familiar with the area, the nearby destinations, and probably will not require major wayfinding. This trail will not be used by those who do not already live in the community

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

and we probably do not want to place signage that might encourage the public to use the private HOA trail.

Interior Circulation

The MPOT recommends using complete street principles in designated centers and corridors, and it encourages the use of medians as pedestrian refuge islands. It also recommends increasing crossing opportunities for pedestrians. There are many pedestrian and bicycle improvements recommended for the subject property. It may be feasible to include a raised median or small refuge islands at some pedestrian crossing locations, making it easier and safer for pedestrians to cross the road. At the time of specific design plan, the proposal should contain safety measures such as pedestrian refuges along major road intersections where road crossings are provided for pedestrians and bicyclists.

Policy 2 of the Trails, Bikeways, and Pedestrian Mobility section of the MPOT recommends providing "adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers." There are four recreational facilities and two recreation centers shown on the subject plan. Trails provided within the development should be linked to the recreational facilities and centers. It is recommended that the applicant provide sidepaths or on-road bikeways for bicyclists, and sidepaths or sidewalks for pedestrians, on or along the roadways that lead to the recreational facilities and centers.

The American Association of State Highway and Transportation Officials (AASHTO) guidelines recommend that barriers be provided to protect trails from automobile use and to reduce conflicts between automobiles and path users. It is recommended that trail access points be designed to ensure that off-road motorized vehicles do not use trails except for maintenance and emergency purposes or wheelchair access. At the time of specific design plan, the applicant must provide details of these measures. Bollards and/or other appropriate structures should be used to prevent motorized vehicles from entering trail routes at any crossing of a public road right-of-way or at any trail staging area.

Conditions 6 and 7b of A-9987-C and A-9988-C state:

- 6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of preliminary plan and specific design plan. Trail connectors may be warranted to the proposed recreation center and park/school site.
- 7b. Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

The applicant is proposing sidewalks and bikeways along the internal roads to support the residential and mixed-use development that is proposed. The sidewalk details will be evaluated at the time of specific design plan. Pedestrian routes between commercial buildings and from parking areas to commercial buildings will be evaluated in more detailed at the time of SDP.

The applicant has proposed a comprehensive site-wide pedestrian circulation plan. Bus transit stop locations have been provided along Mattawoman Drive and appear to be adequate for the proposed use. Transit locations are shown on the approved CDP. Additional facilities and amenities at these stops can be evaluated at the time of SDP.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities would exist to serve the proposed subdivision as required under Section 24-123 of the Prince George's County Code, with conditions.

10. Transportation—The overall site is located south of MD 381 and east of US 301/MD 5 on both sides of existing and planned Mattawoman Drive. The applicant proposes to develop the overall property as a mixed-use development with approximately 1,200 residences and 305,000 square feet of commercial space.

Analysis of Traffic Impacts

The application is a preliminary plan of subdivision for a mixed-use development consisting of the following uses (with the commercial uses as described in the traffic study and with the residential uses in accordance with the current submitted preliminary plan) having the following trip generation:

4-09003, Villages at Timothy Branch	Use	Use Type	AM Peak Hour			PM Peak Hour		
	Quantity		In	Out	Tot	In	Out	Tot
Residential								<u> </u>
One-Family Detached	101	units	14	61	75	60	31	91
One-Family Semidetached	100	units	14	56	70	52	28	80
Townhouse	379	units	53	212	265	197	106	303
Two-Family Attached	352	units	49	197	246	183	98	281
Multifamily	268	units	27	112	139	105	56	161
Total Residential	1200	units	157	638	795	597	319	916
Commercial					7,50	321	317	-/ . _
Retail (total trips)	100,000	Sq feet	95	61	156	600	600	1200
Less 60 percent pass-by and internal			-56	-36	-92	-360	-360	-720
Retail (net trips)			39	25	64	240	240	480
General Office	205,000	Sq feet	369	41	410	72	307	379
Total Commercial	305,000	Sq feet	408	66	474	312	547	859
Total	. , ,		465	704	1269	909	866	1775

The trip generation is estimated using trip rates in the "Guidelines for the Analysis of the Traffic Impact of Development Proposals."

The traffic generated by the proposed preliminary plan would impact the following seven critical intersections, interchanges, and links in the transportation system:

- US 301 and Mattawoman Drive (future/signalized)
- MD 5 and Brandywine Road (signalized)
- US 301 and MD 381 (signalized)
- MD 381 and Mattawoman Drive (signalized)
- US 301/MD 5 and Chadds Ford Drive (signalized)
- US 301/MD 5 and Matapeake Business Drive (signalized)
- US 301/MD 5 and Cedarville Road/McKendree Road (signalized)

The application is supported by a traffic study dated July 2009 provided by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section (M-NCPPC), consistent with the guidelines.

The subject property is located within the Developing Tier, as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Links and signalized intersections: Level of Service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the guidelines.

Unsignalized intersections: The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic using counts taken in May 2009 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS								
Intersection		ne Volume & PM)	Level of Service (LOS, AM & PM)					
US 301 and Mattawoman Drive	Future	Future						
MD 5 and Brandywine Road	1,769	1,810	F	F				
US 301 and MD 381	1,160	1,078	С	B				
MD 381 and Mattawoman Drive	493	412	A	A				
US 301/MD 5 and Chadds Ford Drive	1,185	1,431	C	D				
US 301/MD 5 and Matapeake Business Drive	1,114	1,416	В	D				
US 301/MD 5 and Cedarville/McKendree Road	1,289	1,866	С	F				

With one exception, none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation "Consolidated Transportation Program" or the Prince George's County "Capital Improvement Program." There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

BACKGROUND TRAFFIC CONDITIONS							
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)				
US 301 and Mattawoman Drive	1,193	1,743	С	F			
MD 5 and Brandywine Road	1,804	1,815	F	F			
US 301 and MD 381	2,002	1,601	F	F			
MD 381 and Mattawoman Drive	621	602	A	A			
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F			
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	Е	F			
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F			

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS								
Intersection		ine Volume & PM)	Level of Service (LOS, AM & PM)					
US 301 and Mattawoman Drive	1,271	1,851	C	F				
MD 5 and Brandywine Road	2,105	1,815	F	F				
US 301 and MD 381	2,528	2,340	F	F				
MD 381 and Mattawoman Drive	1,284	1,361	С	D				
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F				
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	Е	· F				
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F				

It is found that all but one of the critical intersections operates unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- A third northbound through lane is proposed along US 301 through the MD 381 and the Mattawoman Drive intersections. Left turns are proposed to be eliminated at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties in the future).
- A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

- The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.
- As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.
- The subject site is required to contribute to the Brandywine Road Club. It is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Regulations (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1990, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program which suggests that needed improvements are funded for construction.
 - b. County Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for Subregion V. As a part of that resolution, Zoning Map Amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the council resolution.
 - The site included under the current plan was subdivided under application
 4-92048, which itself was a consolidation of four previous preliminary plans,
 conditional upon contribution to the Brandywine Road Club. The road club has

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language

Onderming indicates new language
[Brackets] and strikethrough indicate deleted language

always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

- The Brandywine Road Club fees have been established through procedures contained in past approvals, and are summarized below:
 - a. For the commercial space, a rate of \$1.41 per square foot of gross floor area has been used for sites that have A-63 construction requirements.
 - b. The major improvements that are ratable for the residential uses include widening the link of US 301/MD 5 north of Cedarville Road and the associated interchanges and widening of the junctions of A-63 with US 301 and MD 5. Current and potential members of the Road Club located in the Brandywine Employment Area are paying \$1.10 per square foot of gross floor area to cover their share of the cost of building these improvements. On the average, this payment is \$1,582.73 per peak-hour trip generated. Based on the peak-hour trip generation rates associated with single-family detached units, single-family attached units, and multifamily units, a road club payment of \$1,306 per single-family detached unit, \$1,187 per single-family attached unit, and \$886 per multifamily unit (1993 dollars) is a fair and equitable pro-rata payment for the subject property toward these off-site improvements.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the road club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area, as proffered and described above, are constructed and there is participation in the Brandywine Road Club.

It is recognized that the off-site road improvements being proffered by this applicant are on the overall list of improvements to be funded through the Brandywine Road Club. As such, the costs of the off-site improvements are eligible for a credit against the road club fees to be paid. The extent of the eligibility of costs and the determination of any credits shall be made by DPW&T.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	916	1,221	A	C
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	1,741	1,725	F	F
MD 381 and Mattawoman Drive	1,031	1,246	В	C
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	E	F
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	E	. F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

The traffic study was referred to and reviewed by DPW&T and SHA. The responses are attached, and they raise four issues that require discussion:

- DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial.
- DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are proposed for construction, staff did not analyze this intersection.
- SHA and DWP&T both objected to the elimination of left turn movements at the
 US 301/MD 381 intersection. That is obviously something that will need to be studied
 carefully at the time that Mattawoman Drive is connected on both sides of US 301 by
 Brandywine Business Park.

Plan Analysis

At the time of the Subdivision and Development Review Committee (SDRC) meeting, several comments recommending revisions to the submitted plan were offered. The plan has gone through a number of revisions.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

With regard to the L-A-C-zoned portion of the site, the site is affected by A-63, a master plan arterial facility traversing the site from north to south, and C-613, a planned collector facility along existing MD 381. The preliminary plan of subdivision shows dedication for 120 feet of right-of-way for A-63. It also shows dedication for right-of-way of 40 feet from the centerline along MD 381. Both are acceptable.

Within the L-A-C-zoned portion of the site, variations for driveway access to A-63 have been reviewed. Two variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the commercial development on the west side of A-63 have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from MD 381. There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, the two variations from Section 24-124(a)(3) within the L-A-C-zoned area are approved.

With regard to the R-M-zoned portion of the site, the site is affected by several facilities.

- The F-9 facility, which is along existing US 301/MD 5, is a planned freeway facility. The current plan includes ramps to and from the north and south to support the future interchange at A-55. An extensive area in the southwest portion of the site is proposed to remain without development, and this is sufficient. There shall be no street or driveway access from the site to US 301/MD 5.
- The A-63 facility traverses the site from north to south. Over the time of reviewing this plan, there has been some confusion about the alignment of A-63 and where it terminates at the southern end. The A-63 arterial facility actually terminates at A-55, which has been determined to be located just south of the subject site. Comprehensive Design Plan CDP-0902 indicates a portion of A-63 south of the more southerly traffic circle to be "Matapeake Business Drive Extension" with a 100-foot right-of-way. This is incorrect. This portion of roadway between the traffic circle and the southern property line is A-63, and should indicate dedication for a 120-foot right-of-way.
- South of the more southerly traffic circle, the A-63 facility is to be extended to connect to Matapeake Business Drive within the Brandywine Crossing property to the south. It is recognized that A-63 will need to transition to a smaller section to connect to Matapeake Business Drive, which is currently a commercial street constructed within a 70-foot right-of-way. It may be reasonable to limit current construction south of the traffic circle to a half-section of the ultimate roadway at this time. The remaining half-section would be constructed when the A-55 facility is constructed or when additional right-of-way is

†Denotes 2015 Amendment *Denotes 2012 Amendment Underlining indicates new language

dedicated along Matapeake Business Drive in the future when the Brandywine Crossing property resubdivides. Nonetheless, the timing of this construction shall be reasonably determined by DPW&T.

The master plan includes I-503, a planned facility that was originally included in the 1993 Subregion V Master Plan and intended to connect industrial land uses between the A-63 facility and Short Cut Road, along with the Schraf, Meinhardt, and M&M Joint Venture properties to Short Cut Road, and to the Mattawoman Drive facility in the future. If collector-distributor lanes are not constructed along MD5/US 301 when it is upgraded to an access-controlled freeway, the named properties may lose the ability to access US 301/MD 5 in the future. Planned facility I-503 was initially planned when all properties in the area had industrial zoning, however, this has changed with the subject site being rezoned to R-M. Hence, the uses proposed for the subject property are different. and it is appropriate to route industrial traffic away from proposed residential areas. Therefore, I-503, as initially envisioned and aligned, is no longer necessary. However, some means to allow the named properties that front on MD 5/US 301 to potentially gain access to Short Cut Road may be needed. Accordingly, an alternative to I-503 has been addressed by this plan by showing an area of land within which an industrial cul-de-sac south from Short Cut Road to the Schraf property could be constructed. This cul-de-sac could be located half on the subject property and half on the properties being served by it. The portion of the subject property should be placed in a separate parcel or outlot at the time of subdivision to facilitate the future acquisition by either the state or a property owner to be served by it. With the provision of this parcel, I-503 is no longer needed and the plan should be revised prior to signature approval to remove the depiction of the "Alternative Alignment of I-503" and to show a separate parcel to accommodate the future industrial connection.

The 2009 Approved Subregion 5 Master Plan and Sectional Map Amendment reflects a future transit facility between Charles County and the Branch Avenue Metrorail station. The facility has a typical section requiring 70 feet from the edge of roadway, as noted in the August 2010 report for the Southern Maryland Transit Corridor Preservation Study (Maryland Transit Administration). This right-of-way is adjacent to and parallel to US 301/MD 5 along the western edge of this site. While it is noted that this facility is not explicitly noted on the preliminary plan, the plan includes berming 100 feet in width along the site's frontage of US 301/MD 5; this berming is set back between 15 and 50 feet from the existing right-of-way. Furthermore, there is an average of 30 feet between the edge of pavement and the property line. Once again, the transit facility is proposed to be 70 feet in width. It is determined, given that the transit line has not been subjected to environmental review or detailed engineering, that the area between the edge of pavement and the property line combined with the area of berming along the US 301/MD 5 frontage constitutes adequate provision for this future transit facility. In the event that a transit

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment

<u>Underlinin</u> indicates new language

facility is implemented in the future, plans for the facility may need to incorporate the use of a retaining wall to maintain the berm. Comprehensive Design Plan CDP-0902 indicated a 70-foot width for this alignment, and has included a condition requiring that the CDP show the proposed transit alignment and include the following label: "Possible Future Transit Alignment (subject to further future environmental review)." A closer examination indicates that the alignment area within the subject property needs only 40 feet in width.

The transit line described above includes the identification of the combined M&M Joint Venture/Meinhardt properties as a possible location for a maintenance yard, in the study.

Within the R-M-zoned portion of the site, individual residential lots are proposed to receive driveway access from alleys or minor streets, and are not proposed to gain individual access to A-63 directly. This is desirable.

Two variations for driveway access to A-63 have been reviewed. The variations from Section 24-121(a)(3) of the Subdivision Regulations to serve the multifamily development on the west side of A-63 within Block E have been considered. In summary, it is determined that the findings for approval of both access points can be made consistent with the applicant's justification. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto A-63 eliminate the need to array the multifamily buildings around a large cul-de-sac. The additional accesses improve the delivery of public and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

The R-M-zoned portion of the property surrounds a piece of developed land in the E-I-A Zone. This developed site is not part of the subject application, but it receives its access via Mattawoman Drive. Given that the land around this site is proposed for development as mixed use and residential, it is desirable that the E-I-A-zoned property be provided with the opportunity to gain access to Short Cut Road. It is recommended that the plan make provision for an access across Parcel G, as discussed above.

Review of Basic Plan Conditions

The basic plans for the site (A-9987-C and A-9988-C) were approved by the District Council. The status of the transportation-related basic plan conditions for applications A-9987-C and A-9988-C are as follows:

Condition 1: This condition indicates that the transportation staff shall make master plan transportation recommendations consistent with the applicable master plan. This has been done.

Condition 2: This condition specifies the intersections to be studied at later stages of review. All intersections were included except the US 301/MD 5/proposed A-55 and the Mattawoman Drive/proposed A-55 intersections. The two excluded intersections were not included because, based on the final recommendations of the master plan, they were south of the subject site. Specifically, this applicant would not be constructing any part of A-55. As a result, there were no intersections at these locations to study.

None of the remaining conditions are specific to transportation; however, Conditions 3, 4, 5, and 6 will be monitored by the trails coordinator of the Transportation Planning Section at future stages of review. With regard to Condition 7(b), the required information was provided on both of the CDPs.

Review of CDP Conditions

Comprehensive Design Plans CDP-0901 and CDP-0902 were approved on October 7, 2010 and their resolutions are currently pending before the Planning Board. To the extent possible, all findings and conditions have been modified to be consistent with the Planning Board's decision in those cases, along with any changes or modifications.

Based on the preceding findings and proposed conditions, the Planning Board finds that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

11. Variations for Access to Arterial Roadways—The applicant requests a variation from Section 24-121(a)(3) of the Subdivision Regulations for the purpose of accessing Mattawoman Drive, a designated arterial road, at four locations.

Section 24-121(a)(3) of the Subdivision Regulations establishes design guidelines for lots that front on arterial roadways. This section requires that these lots be developed to provide direct vehicular access to either a service road or an interior driveway when feasible. This design guideline encourages an applicant to develop alternatives to direct access onto an arterial roadway. The applicant proposes to construct a network of public and private roads to provide access to residential and commercial properties throughout the development. At four locations, the applicant proposes to directly access Mattawoman Drive. Two accesses will serve the commercial retail and office uses on the west side of Mattawoman Drive at the north end of the site. These are the only two accesses proposed for this module. Two accesses will serve the multifamily dwellings on the west side of Mattawoman drive at the south end of the site. Access to these residential parcels will also be provided off of Road N at its intersection with Road P. Staff supports these variations.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

The approval of the applicant's request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-121 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Within the L-A-C Zone, variations from Section 24-121(a)(3) to serve the commercial development on the west side of Mattawoman Drive have been requested. A total of 12 parcels will be served by the two access points. This eliminates the need for a driveway from Brandywine Road (MD 381). There is no other reasonable alternative for providing access to these parcels. With the implementation of the needed cross easements over this grouping of parcels, the two access points will function in a way that is, in concept, consistent with the intent of Subtitle 24. Therefore, approval is recommended for the two variations from Section 24-124(a)(3) within the L-A-C-zoned area.

Within the R-M Zone, variations from Section 24-121(a)(3) for driveway access to Mattawoman Drive are requested. Two large parcels containing 208 multifamily residences will be served by the two access points. These two accesses augment a third access point from Road N. The accesses onto Mattawoman Drive eliminate the need to array the multifamily buildings around a large culde-sac. The additional accesses improve the delivery of public services and emergency services to these two parcels. There is no other reasonable alternative for providing secondary access to this area of the development.

(2) The conditions on which the variation is based are unique to the property for which the variation is sought and are not applicable generally to other properties;

For the commercial retail and office parcels, no access is proposed other than Mattawoman Drive. Access along Brandywine Road is not proposed and is undesirable. In the approved Comprehensive Design Plan, CDP-0901, extensive effort has gone into protecting the rural character of Brandywine Road. The commercial area is immediately bounded on the south by

Parcel E, which is not part of this application. Other than Mattawoman Drive and Brandywine Road, the site has no access to another public street.

For the multifamily parcels in the south, the site is on the corner of Road N and Mattawoman Drive. Access is proposed to both. Limiting access will force all traffic onto Road N, which also serves as a main connection to Mattawoman Drive for other residential areas. Additional accesses provide improved circulation and access to the site.

(3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

The accesses will be constructed in accordance with relevant laws and standards. The applicant will be required to obtain a SDP prior to development of these sites, permitting further review.

(4) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;

Without approval of these variations, particular hardship to the owner will result. Construction of Mattawoman Drive as an arterial is required by the Master Plan of Transportation and the Subregion 5 Master Plan. For the commercial site to the north, driveways to Mattawoman Drive are the only accesses to the property. For the multifamily site to the south, access to Mattawoman Drive provides significant relief to the intersection of Road N and Mattawoman Drive.

12. **Schools**—The impact on school facilities was analyzed separately for residential and nonresidential portions of the development.

Residential

The Special Projects Section has reviewed this preliminary plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Single-Family Detached Dwelling Units—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	118 DU	118 DU	118 DU
Pupil Yield Factor	0.16	.13	.14
Subdivision Enrollment	18.9	15.3	16.5
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,885.9	3,939.3	7,097.5
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.3%	79.0%	91.0%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Attached Dwelling Units-Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	796 DU	796 DU	796 DU
Pupil Yield Factor	0.14	0.11	0.10
Subdivision Enrollment	111.4	87.6	79.6
Actual Enrollment	3,867	3,923	7,081
Total Enrollment	3,978.4	4,010.6	7,160.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	105.8%	80.5%	91.9%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Multifamily Dwelling Units (Garden Style)—Impact on Affected Public School Clusters

Affected School Clusters	Elementary School Cluster # 5	Middle School Cluster # 3	High School Cluster # 3
Dwelling Units	284 DU	284 DU	284 DU
Pupil Yield Factor	.14	.06	. 09
Subdivision Enrollment	39.8	17.0	25.6
Actual Enrollment	3,867	3,923.	7,081
Total Enrollment	3,906.8	3,940.0	7,106.6
State Rated Capacity	3,761	4,983	7,792
Percent Capacity	103.9%	79.0%	91.2%

Source: Prince George's County Planning Department, M-NCPPC, January 2007

County Council Bill CB-31-2003 established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between the Capital Beltway (I-95/495) and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,299 and \$14,227 to be paid at the time of issuance of each building permit. The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

Nonresidential

The subdivision is exempt from a review for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (CR-23-2001 and CR-38-2002) because it is a nonresidential use.

13. **Fire and Rescue**—The impact on fire and rescue facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

The Special Projects Section has reviewed this subdivision plan for adequacy of fire and rescue services in accordance with Section 24-122.01(a)(2), Section 24-122.01(d), and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations. Special Projects staff has determined that this preliminary plan is within the seven minute required response time for the first due fire station using the Seven-Minute Travel Times and Fire Station Locations Map provided by the Prince George's County Fire/EMS Department.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) regarding sworn fire and rescue personnel staffing levels.

The Fire/EMS Chief has reported that the Fire/EMS Department has adequate equipment to meet the standards stated in CB-56-2005.

The above findings are in conformance with the 2008 Approved Public Safety Facilities Master Plan and the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure."

Nonresidential

The subdivision plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B) through (E) of the Subdivision Regulations.

Fire/EMS Company#	Fire/EMS Station Name	Service	Address -	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
40	Brandywine	Engine	14201 Brandywine Rd.	2.68	3.25	Within
20	Upper Mariboro	Ladder Truck	14815 Pratt Street	10	4,25	Beyond
40	Brandywine	Paramedic	14201 Brandywine Rd.	2.68	7.25	Within
40	Brandywine	Ambulance	14201 Brandywine Rd.	2.68	4.25	Within

The above findings are in conformance with the 2008 Approved Public Safety Facilities Master Plan and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

this preliminary plan unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

Capital Improvement Program (CIP)

The Prince George's County FY 2010–2015 Approved Capital Improvement Program budgets funding for the replacement of Company 40, Brandywine Fire/EMS Station, at 14201 Brandywine Road. This fire station site is 1.4 minutes from the subject development.

14. **Police Facilities**—The impact on police facilities was analyzed separately for the residential and nonresidential portions of the development.

Residential

*Pursuant to the memo from Major Christopher Cottillo, Prince George's County Police
Department dated March 5, 2012; the police response times for the District V have been corrected
for the applicable reporting cycle.

*The subject property is located in Police District V, Clinton. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May 12, 2010.

*Reporting Cycle	*Previous 12 Month Cycle	*Emergency Calls	*Nonemergency Calls
*Acceptance Date 5/12/2010	<u>5/2009-4/2010</u>	7.5 minutes	23.4 minutes
*Cycle 1			
*Cycle 2			
*Cycle 3			

*The response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls were met on May 19, 2010. Therefore, the Public Safety Mitigation Fee Commitment form, signed under protest by the applicant on October 28, 2012, is hereby null and void and shall no longer have any force and effect or be required under this approval. Condition 41, which required the agreement, is hereby deleted in its entirety.

*[The subject property is located in Police District V, Clinton. The response time standard is ten minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The preliminary plan was accepted for processing by the Planning Department on May, 12, 2010.

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Reporting Cycle	Reporting Cycle Previous 12 Month Cycle		Cite Cineranes Calle		Nonemergency Calls
	Month/Yr Month/Yr	# minutes	#-minutes		
Cycle 1	5/2009 4/2010	12	10		
Cycle 2	6/2009-5/2010	12	10		
Cycle 3	7/2009 6/2010	11	9		

The response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls were not met on May 19, 2010 during the review of Cycle 1, on June 18, 2010 during the review of Cycle 2, or on July 23, 2010 during the review of Cycle 3.

The rolling twelve month average for response times in District V were provided for three monthly eyeles following the acceptance of the subject application. If the response time standards of ten minutes for emergency calls and 25 minutes for nonemergency calls are not met by the third monthly cycle of response time reports and the actual response times for both emergency and/or nonemergency calls do not exceed 20 percent above the required response times, the applicant may offer to mitigate. The applicant may enter into a mitigation plan with the county and file such plan with the Planning Board. The Planning Board may not approve the preliminary plan until a mitigation plan is submitted and accepted by the county. If the response times for emergency calls and /or nonemergency calls are greater than 20 percent above the required emergency response time, the applicant may not mitigate.]

*[In accordance with CR-78-2005, the applicant may offer to mitigate by paying a mitigation fee per dwelling unit, providing in kind services or pooling resources.

Public Safety Mitigation Fee

Beginning in Fiscal Year 2007, the mitigation fee is adjusted by July 1 of each year by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor from the previous fiscal year. The number was derived from the costs associated with building and equipping police stations to house the police officers that are necessary to help meet the response times associated with CB-56-2005. The public safety surcharge may not be reduced by the payment of any public safety mitigation fee. The fee is required to be paid at the time of the issuance of a grading permit for the development. In 2006, the mitigation fee was \$3,780 per unit if the test failed in any of the police districts.

In-Kind Services

An applicant may mitigate by offering to provide equipment and or facilities that equal or exceed the cost of the public safety mitigation fee or offer a combination of in kind services and supplemental payment of the public safety mitigation fee. Acceptance of in kind services are at the

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB 56-2005.

Pooling Resources

Applicants may pool together with other applicants to purchase equipment or build facilities that would equal or exceed the cost of paying the public safety mitigation fee. Acceptance of pooled resources to provide in kind services are at the discretion of the county based on the public safety infrastructure required to bring the subdivision in conformance with the standards mandated by CB 56 2005.]

The Police Chief has reported that the department has adequate equipment to meet the standards stated in CB-56-2005.

Pursuant to CR-69-2006, the Prince George's County Council and the County Executive temporarily suspended the provisions of Section 24-122.01(e)(1)(A) and (B) of the Subdivision Regulations regarding sworn police personnel staffing levels.

Nonresidential

The proposed development is within the service area of Police District V in Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space 267,660 square feet is within the guideline.

*[As required by CR 78 2005 and the Adequate Public Safety Facilities Mitigation Guidelines, the applicant has provided a signed commitment to pay the Public Safety Mitigation Fee. The commitment reflects a per unit fee of \$3,780 with annual adjustments per the Consumer Price Index. The current (FY2011) fee is \$4,235. This commitment constitutes the Mitigation Plan as required by Section 24-122.01 (e)(2) of the Subdivision Ordinance. The applicant has also indicated a desire to have the option to enter into an agreement with the county government for the purpose of providing in kind services or a combination of in kind services and a fee to offset the impact of public safety by this development. Any substitute mitigation agreement will have to be in accordance with the provisions of CR 78-2005. This condition is subject to the applicant proceeding under Preliminary Plan 4-09003.]

- 15. **Health Department**—The Environmental Engineering Program has reviewed the preliminary plan of subdivision for The Villages at Timothy Branch and has no comments to offer.
- 16. Water and Sewer Facilities—The 2008 Water and Sewer Plan designates Parcels A, B, C, D, F, and G in water and sewer Category 3, inside the sewer envelope and within the Developing Tier. Parcels 4, 13, 19, and 25 are designated "dormant" water and sewer Category 3, inside the sewer

envelope and within the Developing Tier. Therefore, the site will be served by public water and sewer.

Water and sewer lines in Mattawoman Drive abut the property. Additional sewer lines traverse the property. Water and sewer line extensions are required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC) before recordation of a final plat.

Plan Note 8 should be revised to reflect the "Dormant Water and Sewer Category 3" status of the designated parcels on the preliminary plan.

17. Archeology—A Phase I archeological survey was completed on the subject property prior to submission of this preliminary plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500–1,000 BC); a mid-19th century Domestic Site, 18PR993; a colonial period Domestic Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

The Commission concurred with the recommendation of the draft Phase I report that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site possibly retained some integrity. Phase II investigations were recommended on sites 18PR454, 18PR992, 18PR993, and 18PR994. On all of these sites, close-interval shovel tests were recommended to identify the possible locations of subsurface features and were used to guide the placement of test units. A Phase II work plan for sites 18PR454, 18PR992, 18PR993, and 18PR994 was submitted to the Historic Preservation Section (M-NCPPC) for review and approval on November 30, 2009.

Phase II investigations were conducted on sites 18PR454, 18PR992, 18PR993, and 18PR994 in December 2009. Phase II investigations of site 18PR992 consisted of the excavation of 50 STPs at 25-foot intervals across 11 transects. Artifacts were concentrated in transects F through L on a piece of high ground. Nine test units were placed in the northern portion of the site and 732 prehistoric artifacts were recovered. The site contained two components: a late Middle Archaic (6,000–4,000 BC) or early Late Archaic (4,000–2,000 BC) Halifax occupation and a Terminal Late Archaic/Transitional broadspear occupation. There was a high concentration of fire-cracked rock, but no subsurface features were identified. Due to the lack of intact features and the effects on the site from erosion, no further work was recommended on site 18PR992.

Phase II investigations of site 18PR993 consisted of the excavation of 43 STPs at 25-foot intervals across seven transects. Only 20 historic artifacts were recovered and no subsurface features were identified. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR993.

Phase II investigations of site 18PR994 consisted of the excavation of 45 STPs at 25-foot intervals across five transects. Only one porcelain sherd and one prehistoric quartz flake were recovered from the STPs. A metal detector survey failed to locate any metal objects other than modern machine parts and tools. Due to the lack of significant archeological deposits and intact features, no further work was recommended on site 18PR994.

Phase II investigations of site18PR454 consisted of the excavation of 61 STPs at 25-foot intervals across six transects and five 3-x-3 foot test units. An intensive metal detection survey was also conducted across the site. Artifacts recovered included glass, nails, whiteware, pearlware, black-glazed redware, and brick. The five test units were placed in areas where the highest concentration of artifacts was noted. The eastern portion of the site was impacted by earlier construction activities. One intact subsurface feature was identified in Test Units 4 and 5. This feature possibly represents a cellar hole filled with debris from the dismantling of the house that formerly stood on the property. The types of artifacts recovered indicated that the house was occupied from the late 18th to the first half of the 19th century.

In a review letter dated March 27, 2010, staff concurred with the report's conclusions and recommendations that sites 18PR454, 18PR992, 18PR993, and 18PR994 are not eligible for listing in the National Register of Historic Places, and do not meet the criteria for designation as county historic sites. Staff also concurred with the report's recommendation that no further work is necessary on these sites, as they lack subsurface integrity and have limited research value. The applicant has not yet submitted four copies of the final report.

If state or federal monies or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant should provide proof to the Historic Preservation Section (M-NCPPC) that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of this preliminary plan.

18. **Urban Design: L-A-C Zone**—This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The property included in this application is split between the R-M (Residential Medium Development) Zone and the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. At this time, Comprehensive Design Plans, CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property, were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the L-A-C-zoned portion of the property, its previous Basic Plan approval (A-9988-C), and the subsequent Comprehensive Design Plan approval (CDP-0901).

Conformance with Zoning Map Amendment A-9988-C

On June 16, 2008, the property was conditionally rezoned to the R-M and the L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The conditions and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

Approved Land Use Program A-9988-C (L-A-C)

Land Use Types and Quantities:

Total area: 72± acres

Land in the 100-year floodplain: 8 acres

Adjusted Gross Area: 64 acres

Density permitted under the L-A-C Zone: 10-15 du/ac

Permitted dwelling unit range: 640–960 du Floor area ratio: 0.2-0.4 FAR

Proposed Commercial/Employment: 220,000-270,000 sq. ft.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlinin indicates new language

Proposed Land Use Types:

One-family attached, townhouse, and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

Basic Plan Conditions

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

The Planning Board addressed the condition above through Conditions 41 through 43 in the Planning Board's Resolution for CDP-0901, which was found to be consistent with the Subregion V Master plan.

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)

This condition is addressed in the Transportation section of this report.

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

In the review of the CDP, this issue was discussed at length. The Department of Parks and Recreation (DPR) testified at the Planning Board hearing that the agency was not interested in

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

acquiring the property associated with the Timothy Branch stream valley and was not interested in being party to a public use easement for the master plan trail within homeowners association (HOA) land. DPR also testified that the master plan trail along the Timothy Branch stream valley would terminate at Brandywine Road, because an at-grade pedestrian roadway crossing would create a hazardous situation at that location. Further, they stated that the master plan trail located along Mattawoman Drive will adequately serve future residents and bicyclists traveling between the subject site and properties to the north and south of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in Condition 35 of the Planning Board's approval of the CDP.

 The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

Mattawoman Drive is a master-planned arterial road. The applicant should provide a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards. Condition 30 of CDP-0901 addresses the design of sidewalks along Mattawoman Drive in fulfillment of the condition above.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions 27 through 36 of CDP-0901 address specific requirements for the sidewalk and trail network discussed in this condition, but further analysis may be appropriate at the time of the review of the SDP.

- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

Condition 13 of CDP-0901 addresses the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further evaluated at the time of SDP.

d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

Comprehensive Design Plan CDP-0901 proposes 131 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. Condition 7.b.(8) of CDP-0901 addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with this development and the R-M-zoned portion of the property to the south. It should also be noted that the applicant is obligated to †pay a fee-in-lieu of \$700,000 for [eenstruet] major off-site recreational facilities at nearby Brandywine Area Community Park †[including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue]. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and †a fee-in-lieu of off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community.

- 8. At the time of Comprehensive Design Plan the applicant shall provide either:
 - a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes the †payment of a fee-in-lieu [construction] of major off-site recreational facilities at the nearby Brandywine Area Community Park †[including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue.] and private on-site facilities.

11. The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.

The Planning Board reviewed the inventory analysis in conjunction with CDP-0901 and found that conditions were necessary to assure that both the setback and the treatment of the edge of the development along Brandywine Road would blend the subject development with the future development across Brandywine Road, associated with the Stevens Crossing development, specifically, the development of Lot 22 as was approved in Detailed Site Plan DSP-09011.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park,

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of the CDP review, the applicant provided copies of communications sent to the adjacent projects listed, along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreation amenities so that the twenty acre public parkland can serve as a Community Park.

The applicant has reached an agreement with DPR for providing †a fee-in-lieu of off-site recreational facilities as per the basic plan condition.

Conformance with Comprehensive Design Plan CDP-0901

The Planning Board approved Comprehensive Design Plan CDP-0901 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. Since the Planning Board has not adopted the resolution of approval yet, the actual wording of the conditions may be slightly different from the resolution.

Approved CDP 0901 Development Data:

	EXISTING	PROPOSED
Square Footage/GFA of commercial office	0	205,000
Square Footage/GFA of retail commercial	0	100,000

†Denotes 2015 Amendment

*Denotes 2012 Amendment

Underlining indicates new language

Dwelling Types	Approximate % of Total Units	Number of Units
L-A-C Zone		
Single-family semidetached dwellings	15.3	20
Single-family attached dwellings	8.4	11
Two-family attached dwellings	30.5	40
Multifamily condominium dwellings	45.8	60
Subtotal	100	131

It should be noted that CDP-0901 included one variance in conjunction with the CDP approval (Variance VD-0901) to allow an additional 15.8 percent in multifamily units above the allowed 30 percent maximum. Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27. Further, it should also be noted that the subject CDP was approved with flexibility in the number of units as stated in CDP Condition 5 below. However, the applicant will not be able to exceed the number of dwelling units approved with this preliminary plan.

In regard to the amount of proposed commercial development at the time of the basic plan, the following discussion was included in the CDP findings of the Planning Board:

In a memorandum dated June 18, 2009, the District Council noted that the Council's approval for A-9988-C does not indicate the "85,000 to 100,000 square foot of retail/commercial space" as requested by the applicant. Furthermore, they advised that this quoted use should be viewed as one approved by the Council for all future certifications and reviews.

Therefore, the approved total commercial space would be 305,000 to 370,000 square feet. The total proposed commercial square footage, 305,000, listed on the proposed preliminary plan falls within this range; however, the number is at the bottom of the range and the proposed 131 residential units fall well below the allowed range. In order to assist staff in evaluating compliance with this requirement on an on-going basis, the applicant in each individual specific design plan should provide an inventory of the existing quantities of uses in the development, including the cumulative square footage/number of units of each land use as approved in the previous applications, and information as to the exact square footage/number of units proposed so that conformance with the above requirements can be evaluated.

Comprehensive Design Plan CDP 0901 Conditions:

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

†Denotes 2015 Amendment *Denotes 2012 Amendment

<u>Underlining</u> indicates new language

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The multifamily component of the project shall be developed for active adults in accordance with the Land Use Types table of the basic plan.

The uses for the parcels as labeled on the preliminary plan do not specify the multifamily units as being active adult. This should be labeled on the plan to ensure the land uses are developed per the basic plan.

3. The proposed mixed-use development on this property shall include a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.

The proposed uses listed on the preliminary plan are in conformance with this condition, but this condition should be reiterated in the approval of the preliminary plan of subdivision to ensure future conformance.

4. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

The transportation system analysis of the preliminary plan should create a trip cap that is either consistent or more restrictive that the condition above.

5. At the time of preliminary plan and SDP, the applicant may increase the residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. However, the plans must conform to the maximum development allowed as stated in Condition 4 above. Revisions to the CDP for this purpose will not be required so long as the basic design requirements are adhered to in the proposed layout.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition by showing a total of 148 dwelling units. However, staff is concerned about the layout and is still reviewing the revisions as of the writing of this referral.

6. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan

(SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting patterns created for fee simple lots along Mattawoman Drive. The preliminary plan does not provide dimensions on the plan and should be revised prior to signature approval to indicate such. A proposed reduction of the building restriction line (BRL) will be analyzed at the time of specific design plan.

- 7. Prior to certificate approval of the comprehensive design plan:
 - b. The CDP plan and text shall be revised as follows:
 - (1) The on-site private recreational facilities list contained in the CDP text and plan shall include a swimming pool and a tot-lot.
 - (2) The community building and swimming pool shall be relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development. A six-foot-wide trail shall be provided around the SWM pond, if possible.
 - (3) Add a note to the plan and text that the residential development will be limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units, in order to create a more cohesive development.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address these three conditions.

(8) Include the following phasing for the on-site private recreational facilities within the CDP text and plan.

CDP-0901 - PHASING OF AMENITIES				
FACILITY	BOND	FINISH CONSTRUCTION		
One gazebo/seating area – LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall* residential unit permit		
2,500 sq. ft. tot lot - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall residential unit permit		
Min. 2,200 square-foot Community building and swimming pool – LAC	Prior to the issuance of 200th overall* residential unit permit	Complete by 300th overall residential unit permit		
Double Tennis Court - LAC	Prior to the issuance of 200th overall residential unit permit	Complete by 300th overall residential unit permit		

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

This condition provides for guidance for the final bonding and completion of recreational facilities and the recordation of RFAs after the approval of the specific design plans for the project.

c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.

†Denotes 2015 Amendment

Underlining indicates new language

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹Unless the District Council amends the Basic Plan condition requiring the same

^{*}Denotes 2012 Amendment

The preliminary plan is unclear on this issue as there appears to be a minimum of 40 feet between the ultimate right-of-way of Brandywine Road and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement. Any proposed reduction of the scenic easement width will be analyzed at the time of specific design plan.

- 8. Prior to the approval of a specific design plan, the following shall be provided:
 - On both corners at the intersection of Mattawoman Drive and Brandywine Road, landmark buildings shall be provided within the retail/office use areas at the entrance into the development. These buildings shall have a maximum build-to-line of 100 feet from both rights-of-way, be a minimum of 26 feet high, be faced with a minimum of 60 percent brick, stone or stucco, or other masonry materials of equivalent quality, and have enhanced architecture on all building elevations, to include, but not limited to, balanced fenestration, ornamentation, and dimensional articulated roofs. Additionally, both buildings shall include a special architectural feature, such as, but not limited to, a portico, cupola, or belyedere located at the corner of the building closest to the intersection. The area in front of the proposed landmark buildings shall be designed to enhance visual interest provided through variation in building materials and color at the street level, pedestrian-scaled signage, awnings, outdoor seating areas, and high-quality pedestrian amenities. Specific details of the retail façades shall be provided and reviewed with the specific design plan application.

This condition should be considered in determining the commercial parcel layout adjacent to the intersection of Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan are smaller and might not allow sufficient room to place these landmark buildings as required.

j. No rear elevations of commercial buildings shall be oriented toward Brandywine Road or Mattawoman Drive. Any side elevations of commercial buildings oriented toward Brandywine Road or Mattawoman Drive shall be designed with the same attention to detail as the front elevation.

This condition should be considered in determining the commercial parcel layout adjacent to Mattawoman Drive and Brandywine Road. The parcels shown in this area on the preliminary plan do not seem to prohibit the building arrangement as required by this condition.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

> An appropriate landscape bufferyard shall be provided between the commercial and residential uses unless a street is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.

This condition should be considered in determining the residential lot and parcel layout adjacent to the commercial parcels. The parcels and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

I. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network, unless such environmental constraints/impacts exist that make this impractical.

This condition should be considered in determining the residential lot and parcel layout adjacent to the trail along the stream valley. The buildings and lots shown in this area on the preliminary plan appear to be in general conformance with this condition.

s. A Phase II noise study for any residential units along Mattawoman Drive shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirements along the Mattawoman Drive right-ofway cannot be thoroughly addressed until the time of specific design plan, just as issues relating to reduced building restriction lines should not be evaluated without the Phase II noise study.

v. A 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.

The preliminary plan is unclear on this issue as there appears to generally be a minimum of 30 feet between the ultimate right-of-way of Mattawoman Drive and any development. However, the preliminary plan does not provide dimensions or labeling on the plan and should be revised prior to signature approval to indicate such to ensure compliance with this requirement.

w. The residential development shall be designed to minimize the use of public streets ending in cul-de-sacs in order to promote vehicular circulation.

The applicant has submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition. However, additional review will occur with subsequent SDPs.

13. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—L-A-C ZONE¹

	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Active-Adult Multifamily ⁴
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	35 ¹⁰	35	35 ¹⁰	50 ¹⁰
Minimum building setback from Mattawoman Drive ¹¹	50 feet	50 feet	50 feet	50 feet
Minimum front setback ⁵	N/A	20 feet	3, 6	7
Minimum side setback ⁵	N/A	10 feet	6	- 7
Minimum rear setback ⁵	N/A	20 feet	6	7
Minimum side setback to street ⁵	N/A	20 feet	6	7
Maximum residential building height ¹²	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8 ²

Underlining indicates new language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

- All parking is governed by Part 11 of the Zoning Ordinance.
- Variance requested from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.
- Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 30-foot front yard setback in order to reduce the length of the driveway.
- To be developed as condominiums and as an active adult community, per A-9988-C.
- 5 Stoops and/or steps may encroach into yard area.
- Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.
- Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- Fences in the front yard shall not be more than four feet high.
- This percentage is for building coverage (and not for lot coverage) of the overall net tract area.
- At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—L-A-C ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line	
(along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet

Note: No accessory building shall be located closer to the street line than the main building on the lot or parcel.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	Commercial Retail	Employment /Flex Space
Minimum Net Lot Area	N/A	N/A	N/A
Minimum frontage at street R.O.W	N/A	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage (%)	N/A	N/A	N/A
Maximum Build-to-Line along Mattawoman Drive	100 feet	100 feet	100 feet
Minimum front setback from R.O.W.	30 feet	30 feet	30 feet
Minimum side setback	30 feet	30 feet	30 feet
Minimum rear setback	30 feet	30 feet	30 feet
Maximum building height	N/A	N/A	N/A
Minimum parking spaces	As required by Part 11 of the		

The preliminary plan shall adhere to the standards set above and the same standards should be added to the plan prior to signature approval.

†[20. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval three weeks prior to submission of a final plat. Upon approval by DPR, the RFA shall be

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

recorded among the land records of Prince George's County, Upper Mariboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

21. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits.]

†15. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC).

M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

†By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 for the PPS, Conditions 14-21 of CDP-0901, and Conditions 20-27 for CDP-0902 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

- 22. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
- 23. The private recreational facilities shall be reviewed by the Urban Design Section as designee of the Planning Board for adequacy, conformance to the

Park and Recreation Facilities Guidelines, and location during the specific design plan review.

The two above conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

24. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition of approval of the CDP is noted for its requirement prior to the submission of the final plat of subdivision.

25. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits.

This condition of approval of the CDP is noted for its requirement prior to the submission of any building permits. It should also be noted that bonding of the project is subject to the timing of permits associated with the appropriate phase of development as stated in CDP Condition 7.b.(8), addressed above.

28. The applicant shall provide sufficient dedication on the preliminary plan along Brandywine Road for on-road bike lanes in accordance with SHA standards and AASHTO guidance.

This condition of approval of the CDP is noted for its requirement of sufficient dedication along Brandywine Road for on-road bike lanes. This condition is addressed by the Transportation Planning Section.

30. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to

accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition of approval of the CDP is noted for its requirement and its fulfillment of basic plan Condition 5 above.

35. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement and should be discussed further prior to the approval of specific design plans, in order to determine the final disposition of the trail.

- 41. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.

The preliminary plan reflects these rights-of-way as required within the portion of the property covered by CDP-0901.

- 43. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.

Chacrining mulcales new language

[†]Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language

- b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381at Mattawoman Drive.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

45. At the time of SDP review, the applicant may redesign the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.

The applicant submitted a sketch plan with the preliminary plan, which seems to attempt to address this condition.

Conformance with the Zoning Ordinance

The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-496(d) L-A-C Zone Regulations

Section 27-496(d) indicates that each lot in the L-A-C Zone 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. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily or two-family attached portions of the development, so it is unclear whether or not this requirement is met. It is recommended that the private 50-foot right-of-way, as shown on the sketch plan, be defined as a public right-of-way since townhouse lots, multifamily buildings, and the recreational facilities front this street.

Section 27-480(b) CDZ General Development Regulation

Section 27-480(b) indicates that the minimum lot area for townhouses shall be 1,800 square feet. The preliminary plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not specify lot size. It is recommended that labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

†Denotes 2015 Amendment

*Denotes 2012 Amendment

<u>Underlining</u> indicates new language

Section 27-480(d) CDZ General Development Regulation

Section 27-480(d) indicates that there shall be no more than six townhouses per building group in any comprehensive design zone, except where the applicant demonstrates 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. Additionally, in no event shall there be more than nine dwelling units in a building group, and garage parking within all building groups shall be provided in rear-loaded garages except where the rears of the units are located along open space areas along the perimeter of the development area or areas of steep topography. The sketch plan as submitted does indicate conformance to this issue; however, the sketch plan submitted does not label lot types clearly. It is recommended that lot labels be provided on the plan prior to signature approval to ensure compliance with this requirement.

Section 27-480(e) CDZ General Development Regulation

Section 27-480(e) indicates that the minimum building width for townhouses in any continuous, attached group shall be 20 feet. The sketch plan does not label the lot dimensions, so it is recommended that lot dimensions be provided on the plan prior to signature approval to ensure compliance with this requirement.

Conformance with the Prince George's County Landscape Manual

The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual*. Although Section 4.7 does not technically apply in comprehensive design zones, Urban Design staff used the requirements as a guide. Conformance with these requirements will be judged at the time of specific design plan approval.

Other Design Issues

The preliminary plan included a variation request from the 150-foot lot depth requirement along an arterial road (Mattawoman Drive), per Section 24-121(a)(4) of the Subdivision Regulations, that affected only lots and parcels within the R-M Zone. However, it is unclear whether this variation would now apply to the lots and parcels within the L-A-C Zone as the submitted sketch plan does not provide parcel lines or dimensions for review. With the addition of this information, if it is now determined that a variation from the lot depth is necessary within the L-A-C Zone, it will be difficult to make urban design comments regarding adequate protection and screening from traffic nuisances as details or descriptions of proposed protection measures, such as earthen berms, plant materials, fencing, and/or the establishment of a building restriction line have not been labeled or provided. Noise mitigation measures must be further addressed at the time of SDP when a Phase II noise study is recommended.

Block A, the commercial/employment area of the site, has lot lines running through drive aisles and parking lots which will create difficulties in complying with the requirements of Section 4.3.b., Parking Lot Perimeter Landscape Strip, of the Landscape Manual. This issue of perimeter parking lot landscaping within office parks allows for smaller compounds and should be

considered in the preliminary plan process. The applicant should be prepared to revise the plan or consider the possibility of the requirements for alternative compliance or departure applications to address Section 4.3.b. at the time of specific design plan if necessary.

19. **Urban Design: R-M Zone**—This referral is based on revised plans submitted by the applicant for Preliminary Plan of Subdivision 4-09003, The Villages at Timothy Branch.

The subject Preliminary Plan of Subdivision, 4-09003, seeks to subdivide a 334.26-acre property into 580 lots and 68 parcels in order to develop a mixed-use project including 1,200 residential dwelling units and approximately 305,000 square feet of commercial gross floor area. The Timothy Branch project includes 262 acres in the R-M (Residential Medium Development) Zone and 72.26 acres in the L-A-C (Local Activity Center) Zone. The R-M-zoned portion of the property is located east of US 301/MD 5, on both sides of proposed Mattawoman Drive, north of Matapeake Business Drive, and the L-A-C-zoned portion of the property is located on the south side of Brandywine Road. Comprehensive Design Plan CDP-0901 for the L-A-C-zoned portion of the property and CDP-0902 for the R-M-zoned portion of the property were reviewed and approved by the Planning Board on October 7, 2010. However, at the time of the writing of this report, the Planning Board has not yet adopted the resolutions for both comprehensive design plans.

This referral focuses on the R-M-zoned portion of the property, its previous Basic Plan approval (A-9987-C), and the subsequent Comprehensive Design Plan approval (CDP-0902).

Conformance with Zoning Map Amendment Applications A-9987-C

On June 16, 2008, the property was conditionally rezoned to the R-M and L-A-C Zones through County Council approval of A-9987-C and A-9988-C, respectively, which contained urban design-related requirements for the approved land use program, 12 conditions, and one consideration. The condition and consideration that are applicable to the review of this preliminary plan of subdivision have been listed in bold face type below, followed by comments and recommendations regarding these requirements.

Approved Land Use Program A-9987-C (R-M)

Land Use Types and Quantities

Total area: 262± acres
Land in the 100-year floodplain: 19 acres
Adjusted Gross Area: 243 acres
Density permitted under the R-M Zone: 3.67-5.7 du/ac
Permitted dwelling unit range: 874.8-1,385.1 du

Proposed Land Use Types and Quantities:

One-family detached, townhouse, one-family attached, two-family attached (two-over-two), and multifamily and recreational facilities.

The approval of CDP-0902 included the following breakdown of units:

Dwelling Types	Approximate % of Total Units	Number of Units
R-M Zone		
Single-family Detached	9.45	101
Townhouses	34.42	368
One-Family Semi-Attached (Duplex)	7.48	80
Two-Family Attached (Two-Over-Twos)	29.18	312
Multifamily	<u>19.45</u>	208
Total Units in the R-M Zone	99.98 or approximately 100%	1,069

It should be noted that CDP -0902 included a two-part variance in conjunction with the CDP approval (Variance VD-0902) to allow an additional 9.5 percent in multifamily units (for a total of 208 multifamily units) and 4.4 percent in townhouse units (for a total of 368 townhouse units). Any changes to the number of units that exceed the numbers listed in the chart above should be carefully evaluated for conformance to Subtitle 27.

Basic Plan Conditions

1. At the time of Comprehensive Design Plan, the Transportation Planning Staff shall make Master Plan transportation facility recommendations consistent with the Subregion V Master Plan.

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

The Planning Board addressed the condition above through conditions of approval for CDP-0902, which was found to be consistent with the Subregion V Master Plan.

- 2. At the time of Comprehensive Design Plan and Preliminary Plan of Subdivision, the Transportation Planning Staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. MD 5 and Brandywine Road (signalized)
 - b. US 301 and MD 381/Brandywine Road (signalized)
 - c. MD 381 and Mattawoman Drive (unsignalized)
 - d. US 301 and Mattawoman Drive (proposed)
 - e. US 301/MD 5 and proposed A-55 (future)
 - f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - h. Future Mattawoman Drive and proposed A-55 (future)

This condition was addressed by the Transportation Planning Section at the time of comprehensive design plan and is also addressed with the preliminary plan of subdivision.

3. The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.

In the review of CDP-0902, this issue was discussed at length, the main issue being that, as was testified by the Department of Parks and Recreation (DPR) at the Planning Board hearing, DPR is not interested in acquiring the property associated with the Timothy Branch steam valley, nor are they interested in being party to a public use easement for the master plan trail as discussed previously. DPR staff also testified that the proposed master plan trail along the Timothy Branch stream valley will terminate at Brandywine Road because a road crossing at that location would create a safety hazard. Staff further stated that the master plan trail located along Mattawoman Drive will adequately serve users traveling between the subject site and properties on either end of the subject site. The Planning Board recognized these issues and agreed with the applicant's proposed language as adopted in a condition of the Planning Board's approval of the CDP.

5. The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

Mattawoman Drive is a master-planned arterial road. The Planning Board found that providing a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete side path on the east side, in accordance with DPW&T standards addresses the condition above.

6. The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.

Conditions of the CDP and this preliminary plan address specific requirements for the sidewalk and trail network discussed in this condition.

- 7. At time of Comprehensive Design Plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks, lot coverage, and other bulk standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

The CDP has a condition to address the requirements for setbacks, building restriction lines, and build-to-lines for the project, and will be further reviewed with the SDPs.

d. Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.

The subject CDP proposes 1,069 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. The CDP addresses the recreational facilities package for the development and sets forth a schedule of the phasing of the facilities in association with the development. It should also be noted that the applicant is obligated to construct major off-site recreational facilities at the nearby Brandywine Area Community Park including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue. The Planning Board found that the combination of the proposed package of on-site private recreational facilities and off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community, and as discussed in the Parks and Recreation section of this report.

8. At the time of Comprehensive Design Plan the applicant shall provide either:

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language
[Brackets] and strikethrough indicate deleted language

- a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
- b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

To address this condition of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant has proposed the †payment of a fee-in-lieu of \$700,000 for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park (Parcel A, Plat PM 228 @ 79) †[including: one softball field, one soccer field, and a 65-space parking lot.], and private on site recreation facilities.

12. The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.

At the time of CDP review, the applicant provided copies of communications sent to the adjacent projects listed along with the Councilmanic District 9 office, but indicated that no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreation amenities so that the twenty acre public parkland can serve as a Community Park.

The applicant has reached an agreement with DPR for providing †a fee-in-lieu for off-site recreational facilities, as per the basic plan condition, †[on Parcel A,] for the Brandywine Community Park (M-NCPPC).

Conformance with Comprehensive Design Plan CDP-0902

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

The Planning Board approved Comprehensive Design Plan CDP-09002 on October 7, 2010 with the following conditions that are applicable to the review of this preliminary plan of subdivision. As of the writing of this report, the Planning Board had not adopted the resolution of approval. Therefore, the actual wording of the conditions may be slightly different from the resolution.

1. All conditions of approval of Basic Plan A-9988-C shall remain in full force and effect.

This condition should be reiterated in the approval of the preliminary plan of subdivision.

2. The total area within the L-A-C Zone (CDP-0901) and the R-M Zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.

A trip cap is recommended.

3. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of Mattawoman Drive. For ease of review, the preliminary plan of subdivision should be revised prior to signature approval to indicate the 50-foot building restriction line (BRL) along the ultimate right-of-way of Mattawoman Drive. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

4. A minimum 200-foot building restriction line (BRL) as measured from the ultimate right-of-way of US 301 shall be provided on the specific design plan (SDP) for multifamily buildings unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway. The minimum width of building restriction lines for other residential product types along US 301 shall be determined at the time of SDP and the Phase II Noise Study shall be considered in the determination of establishing the building restriction lines.

This condition should be adhered to in the lotting pattern for fee simple lots along the right-of-way of US 301. For ease of review, the preliminary plan of subdivision should be revised prior to signature approval to indicate the 200-foot BRL along the ultimate

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

right-of-way of US-301. Any proposed reduction of this BRL will be analyzed at the time of specific design plan.

- 5. Prior to certificate of approval of the subject comprehensive design plan:
 - a. Show the proposed transit alignment and include the following label:

"Possible Future Transit alignment (subject to further future environmental review)."

The preliminary plan and all future specific design plans should show this transit alignment. Lot lines for single and two-family unit types should be free and clear of the future right-of-way for the transit facility.

b. Indicate a potential access connection between the existing warehouse/distribution facility on Mattawoman Drive (A-63) and Short Cut Road as an alternative for heavy truck traffic.

The preliminary plan should show the access in an outlot, which could be conveyed in the future by the applicant and his heirs, successors, and/or assignees, providing direct access to Short Cut Road and divert industrial traffic away from Mattawoman Drive at such time as both parties are in agreement.

c. Revise the development standard chart in the text and on the plan as follows:

The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

RESIDENTIAL USES—R-M ZONE¹

	One-family . detached	Two-family attached	Single-family semidetached ^{8, 9}	Single-family attached ^{3, 8, 9}	Multifamily
Minimum Net Lot Area	6,000 sq. ft.	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	60	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	60	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	70	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	30	35 ⁴	35	35 ⁴	50 ⁴
Minimum building setback from Mattawoman Drive	50 feet	50 feet	50 feet	50 feet	50 feet
Minimum building setback from Robert Crain Highway (US 301)	TBD ¹⁰	TBD ¹⁰	TBD ¹⁰	TBD^{10}	200 feet ¹⁰
Minimum front setback ⁵	25	N/A	20 feet	3, 6	7
Minimum side setback ⁵	10	N/A	10 feet	6	7
Minimum rear setback ⁵	20	N/A	20 feet	6	7
Minimum side setback to street ⁵	25	N/A	20 feet	6	7
Maximum residential building height ¹¹	40	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	N/A	50 ²	25 ²
Minimum frontage on cul-de-sac	40	N/A	N/A	N/A	N/A

[Brackets] and strikethrough indicate deleted language

[†]Denotes 2015 Amendment

^{*}Denotes 2012 Amendment

Underlining indicates new language

All parking is governed by Part 11 of the Zoning Ordinance.

- Variance requested from the maximum townhouse and multifamily dwelling unit percentage, which allows a maximum 30 and 10 percent respectively of units in the R-M Zone.
- Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 25-foot front yard setback in order to reduce the length of the driveway.
 - This percentage is for building coverage (and not for lot coverage) of the overall net tract area
- Stoops and/or steps may encroach into yard area.
- Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.
- For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback unless it is deemed that a lesser BRL provides sufficient area to adequately buffer the units.
- Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.
- On lots consisting of one acre or less, fences in the front yard shall not be more than four feet high.
- The minimum building setback for one-family detached, two-family detached, single-family semidetached and single-family attached and multifamily from Robert Crain Highway (US 301) shall be determined at the time of SDP review.
- These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

The preliminary plan of subdivision should adhere to the above standards and a note should be required to be added to the preliminary plan of subdivision prior to signature approval.

10. At the time of preliminary plan review, an evaluation of all impacts to the primary management area shall be made. A revised Letter of Justification shall provided for impacts remaining at time of preliminary plan review, at which time further revisions necessary to minimize impacts shall be determined.

This condition is addressed in the Environmental section of this report.

11. If, revisions to the CDP plan increase the cumulative PMA impacts on the site for a total of 200 or more linear feet of stream beds or one-half acre of wetlands and their buffers, additional required mitigation shall be identified at time of preliminary plan review.

This condition is addressed in the Environmental section of this report.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

17. At time of specific design plan application for residential units in the R-M zone, a Phase II noise study shall be submitted for review. The Phase II Noise Study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommend in the Phase II noise report for interior residential uses.

Any request to reduce the lot depth requirement along either Mattawoman Drive or the US 301 right-of-way cannot be thoroughly addressed until after receipt of a Phase II noise study. The specific design plan will address building restriction lines and the protection of outdoor activity areas from unmitigated noise levels above 65 dBA. The Urban Design Section would support the granting of the variation of the lot depth requirement for the project along Mattawoman Drive and US 301 with condition, due to the lack of provision of supporting information in the applicant's statement of justification.

The applicant claims that the revised layout creates a natural buffer for all of the lots along A-63, Mattawoman Drive, but has not provided evidence of the reduction in noise level for the outdoor activity areas associated with the units. A berm along US 301 may provide sufficient buffering to adequately mitigate the noise generated, but should be demonstrated with a Phase II noise study. Conditions are recommended to address adverse noise impacts at the time of SDP, and discussed further in the Environmental section of this report.

†[26. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to the Department of Parks and Recreation for their approval three weeks prior to the submission of a final plat. Upon approval by the Department of Parks and Recreation, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

27. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase I recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision.]

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

†21. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities at the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided in the Southern Area Aquatic and Recreational Complex.

†By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 for the PPS, Conditions 14-21 of CDP-0901, and Conditions 20-27 for CDP-0902 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-site requirements of Condition 8b (A-9987), with no change to the proposed on-site private recreational facilities.

- 28. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Park and Recreation Facilities Guidelines.
- 29. The private recreational facilities shall be reviewed by the Urban Design Section of the Development Review Division (DRD), M-NCPPC for adequacy, conformance to the *Park and Recreation Facilities Guidelines* and appropriateness of location during the specific design plan review.

These conditions will be further analyzed at the time of specific design plan to ensure that the RFA and bonding will result in the completion of the recreational facilities in phase with the development, and that recreational facilities will be available to future residents in an appropriate time frame.

30. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.

This condition is noted for its requirement prior to submission of the final plat of subdivision.

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

31. Include the following phasing for the on-site private recreational facilities within the CDP text and plan:

CDP-0902 - PHASING OF AMENITIES			
FACILITY	BOND	FINISH CONSTRUCTION	
7,500 sq. ft. multiage – RM1	Prior to the issuance of any residential unit permit	Complete by 200th overall* residential unit permit	
7,500 sq. ft. multiage – RM3	Prior to the issuance of any residential unit permit within RM3	Complete by 450th overall residential unit permit	
20,000 sq. ft. Open play area – RM 4	Prior to the issuance of any residential unit permit within RM4	Complete by 600th overall residential unit permit	
Min. 4,200 square-foot Community building and 25 meter swimming pool – RM2	Prior to the issuance of 500th overall* residential unit permit	Complete by 750th overall residential unit permit	
2,500 sq. ft. tot-lot – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit	
5,000 sq. ft. per teen – RM2	Prior to the issuance of 500th overall residential unit permit	Complete by 750th overall residential unit permit	
7,500 sq. ft. multiage – RM5	Prior to the issuance of any residential unit permit with RM5	Complete by 1,000th overall residential unit permit	
Timothy Branch Stream Valley Trail ¹ (approx. 5,600 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development	

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

†Denotes 2015 Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

^{* &}quot;Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

^{*}Denotes 2012 Amendment

This condition provides guidance for the final bonding and completion of recreational facilities and the recordation of RFAs, after the approval of the specific design plans for the project. The bonding of the recreational facilities is allowed to be sectionalized in accordance with the above schedule. Minor revisions to this chart will be permitted based on the final analysis of the facilities proposed, and the timing of bonding and construction.

32. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be required at least two weeks prior to applying for building permits.

This condition is noted for its requirement prior to submission of the final plat of subdivision. It should also be noted that the bonding of the project is subject to the timing of permits associated with the appropriate phase of the development, as stated in CDP-0902, Condition 31.

34. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.

This condition is noted for its requirement and fulfillment of Basic Plan A-9987-C, Condition 5.

40. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.

This condition is noted for its requirement unless the District Council amends the basic plan condition requiring the trail, and is discussed further in the Trails section of this report.

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

- 44. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
 - a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.

The preliminary plan addresses this condition.

- 45. The applicant and/or the applicant's heirs, successors, or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.
 - a. A third northbound through land along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
 - b. A northbound left-turn land along US 301 at Mattawoman Drive, subject to SHA approval.
 - c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
 - d. The extension of Mattawoman Drive south of the subject property to connect to Matapeake Business Drive.

This condition is addressed in the Transportation section of this report.

47. The R-M portion of the CDP shall be modified to indicate that the portion of A-63 between the more southerly traffic circle and the southern property line shall be labeled as A-63, and shall make provision for a 120-foot right-of-way.

The preliminary plan should be revised prior to signature approval in accordance with the condition above.

Conformance with the Zoning Ordinance

†Denotes 2015 Amendment
*Denotes 2012 Amendment
<u>Underlining</u> indicates new language
[Brackets] and strikethrough indicate deleted language

The application must comply with all applicable requirements of the Zoning Ordinance. Certain requirements are discussed at this time because they directly affect lot sizes, lotting patterns, and unit yields. These include:

Section 27-509(d) R-M Zone Regulations

Section 27-509(d) indicates that each lot in the R-M Zone 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. It should be noted that the sketch plan, as submitted, does not specify parcel or lot lines for the multifamily portions of the development. Whether they are parcel or lot lines, the applicant should be required to demonstrate conformance with this requirement unless the elements of the exception have been met.

Section 27-480(d) CDZ General Development Regulation (in part)

There shall be no more than six (6) townhouses per building group in any Comprehensive Design Zone (with the exception of the V-L and V-M Zones) for which an application for a specific Design Plan is filed after December 30, 1996, except where the applicant demonstrates to the satisfaction of the Planning Board or District Council, as applicable, that more than six (6) dwelling units (but not more than eight (8) 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 six (6) dwelling units exceed twenty percent (20%) of the total number of building groups in the SDP, and the end units on such building groups shall be a minimum of twenty-four (24) feet in width...

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Section 27-480(e) CDZ General Development Regulation

The minimum building width for townhouses in any continuous, attached group shall be twenty (20) feet, and the minimum gross living space for a townhouse shall be one thousand two hundred and fifty (1,250) square feet in any development for which an application for a Specific Design Plan is filed after December 30, 1996 (with the exception of townhouses in the V-L and V-M Zones and, as it applies to the minimum building width only, townhouses on property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or planned Washington Metropolitan Area Transit Authority Metrorail station). For the purposes of this subsection, "gross living space" shall be defined as all interior building space except the garage and unfinished basement or attic area.

†Denotes 2015 Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

^{*}Denotes 2012 Amendment

This section of the Zoning Ordinance applies to the townhouses proposed within the R-M Zone and will be addressed at the time of specific design plan review for the project.

Conformance with the Prince George's County Landscape Manual

The proposed development is subject to the requirements of Sections 4.1, 4.3, 4.4, and 4.6 of the *Prince George's County Landscape Manual*. Although Section 4.7 does not technically apply within comprehensive design zones, it will be used as a guide in the review and approval of specific design plans for the project.

Other Design Issues

The variation request from the 150-foot lot depth requirement along the arterial roadway, Mattawoman Drive, and the 300-foot lot depth requirement along US 301, per Section 24-121(a)(4) of the Subdivision Regulations, will be further evaluated with the review of the Phase II noise study at the time of SDP to ensure that the rear yards of the units are protected from noise levels exceeding 65 dBA Ldn. The current information on the plan indicates that the majority of units located within Block F are entirely impacted by greater than 65 dBA Ldn unmitigated noise contour. Section 24-121(a)(4) requires that protection be provided via earthen berms, plant materials, fencing, and/or the establishment of a building restriction line. The use of a berm or noise wall is not appropriate along Mattawoman Drive as the units front on the arterial roadway.

Along US 301, the use of a berm is conceptually shown on the plan, but the impact of the berm on noise volumes has not yet been determined and will be with the review of a Phase II noise study. Therefore, along each edge of the development, staff recommends that, at the time of approval of specific design plans for the project, the 65 dBA Ldn mitigated noise line be shown on the plans and all rear yards of either single-family detached, single-family attached, or two-family dwellings provide a minimum 25-foot-wide outdoor activity area free of noise intrusion above the 65 dBA Ldn mitigated line. It should be noted that the project's US 301 frontage is interrupted by an independent parcel that is cleared. It may be difficult to create a berm in this area and therefore, a noise wall may be more appropriate.

In some areas, like Block E, it is not clear where recreational areas are to be located. All outdoor recreational areas have to be located outside of the 65 dBA Ldn line at the time of SDP. The mitigated 65 dBA Ldn line and more precise location information for outdoor recreational areas should be shown on the specific design plan.

All stormwater ponds should be designed as visual amenities and placed so as to complement recreational facilities. A homeowners association trail should be provided around all ponds if possible.

In Block D, create a visual break and convenient direct pedestrian connection between the trail and the main recreational facility in Parcel D.

†Denotes 2015 Amendment *Denotes 2012 Amendment <u>Underlining</u> indicates new language [Brackets] and strikethrough indicate deleted language

A redesign of Block E for the layout of multifamily buildings is necessary to provide a cohesive community that reduces or eliminates surface parking, provides a central focal recreational space, and provides an appropriate location for future pedestrian connections to the off-site transit stops. Special attention should be paid to landscaping and architecture of the buildings along Mattawoman Drive at time of specific design plan. The footprints of buildings and parking areas should be deleted from the preliminary plan to allow more flexibility in design at the time of approval of specific design plans regarding layout of structures and choice of multifamily product type.

20. Stormwater Management—The Department of Public Works and Transportation has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 11355-2009-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan, and any subsequent revisions.

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

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, October 28, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of December 2010.

*This is to certify that the foregoing, indicated in underline and deletion, is a true and correct copy of the reconsideration action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission relating to police response time reporting on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff and Hewlett voting in favor of the motion, and with Commissioner Squire absent at its regular meeting held on Thursday, April 5, 2012, in Upper Marlboro, Maryland.

*Adopted by the Prince George's County Planning Board this 24th day of May 2012.

†This is to certify that the foregoing is a true and correct copy of the reconsideration 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 and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 19, 2015, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

†Adopted by the Prince George's County Planning Board this 19th day of March 2015.

Patricia Colihan Barney Executive Director

Ву

Jessica Jones

Planning Board Administrator

PCB:JJ:WC:arj

†Denotes 2015 Amendment *Denotes 2012 Amendment

Underlining indicates new language

[Brackets] and strikethrough indicate deleted language

APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Departmen

Exhibit 10

PGCPD Letter to Dr. Piret (Dated March 5, 2012)

Prince George's County Planning Department
Office of the Director



THE PRINCE GEORGE'S COUNTY GOVERNMENT



March 5, 2012

Fern Piret, Planning Director
M-NCPPC Prince George's County Planning Department
14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772

RE: Adequate Public Facilities Reporting

Distribution_

Dear Ms. Piret:

In response to your inquiry, please be advised that, as a result of an MPIA request, the Police Department re-examined the types of calls that should be included as emergency and non-emergency calls for service in adequate public facilities ("APF") reporting.

In so doing, the Department found that certain calls were incorrectly categorized as "emergency calls for service." The Department decided that calls with a dispatch of Priority "E" should be considered emergency calls and that calls with a dispatch Priority of 1, 2, and 3 should be considered non-emergency calls. The definitions of these call types are found in the enclosed Public Safety Communications, Directive 2012-02.

The Department has implemented these changes effective January 1, 2009. The revised APF report for District V, 2009-2010, that was the subject of the MPIA request, is also enclosed.

If you have further questions concerning this issue please contact me at 301-772-4748.

Sincerely,

Major Christopher Cotillo

Prince George's County Police Department

Enclosure

cc:

M. Andre Green

Acting County Attorney

3019523749 03/13/2012 15:43

DEVELOPMENT REVIEW (ONSCENE TIME - INCIDENT TIME) 2009 DISTRICT V

NON-PRIORITY CALLS FOR SERVICE

	NON-PRIORITY CA	TOTAL CALLS	AVG. TOTAL RESPONSE TIME
	TOTAL MINUTES		22.1
JANUARY	44,316	2,009	19.8
EBRUARY	39,145	1,976	20.3
MARCH	43,394	2,135	20.3
APRIL	44,949	2,219	
	58,495	2,481	23.6
MAY	62,510	2,546	24.6
JUNE	58,194	2,512	23.2
JULY	60,281	2,452	24,8
AUGUST	53,436	2,223	24.0
SEPTEMBER		2,316	28.3
OCTOBER	65,425	2,119	26.7
NOVEMBER	56,651		23.3
DECEMBER	49,793	2,135	
TOTALS	636,589	27,123	23.47044943

PRIORITY CALLS FOR SERVICE

PRIORITTOALL		THE PEOPLE TIME
TOTAL MINUTES	TOTAL CALLS	AVG. TOTAL RESPONSE TIME
	47	7.0
		7.4
		9.7
		8.4
201		7.4
266		
361	42	8.6
368	57	6,5
	41	6.9
		6.7
		8.4
		8.5
372	1	5,8
210	36	
3,700	493	7,50507099
	327 311 387 201 266 361 368 281 313 303 372 210	327 47 311 42 387 41 201 24 266 36 361 42 368 57 281 41 313 47 303 36 372 44 210 36

PUBLIC SAFETY COMMUNICATIONS

DIRECTIVE 2012-02



To: All Law Dispatch Personnel

From: Charlynn Flaherty, Associate Director (original signed by)

Area: Law Dispatch

Subject: Law dispatch policy - revised

Effective: February 13, 2012

The PSC Law Section Dispatch Policy is being revised to reflect recent policy changes made by the Police Department and Public Safety Communications. This revised dispatch policy becomes effective immediately and remains in effect until further notice. This policy replaces and supersedes all previous PSC interim directives, memo's and emails regarding Law Section Dispatch and will be placed in your General Order manuals.

PRIORITY E

Definition: Priority E calls involve an immediate threat to life, a violent act in progress or just occurred and there is likelihood that the suspects could be apprehended

- Priority E calls shall be dispatched immediately when possible but always within two
 minutes of entry.
- Priority E calls shall be dispatched to the closest and or first available units regardless of sector boundaries.
- The Sector Supervisor shall be notified by radio whenever a Priority E call has been pending for more than two minutes.
- A notation will be made in CAD indicating the Sector Supervisor was notified, to include either their car number or rank and name.

Priority J

Definition: Priority 1 calls involve a potential threat to property or other crimes against property that just occurred, and the suspects are still in the area of the scene.

- Priority 1 calls shall be dispatched immediately when possible, but always within five minutes of entry.
- Priority 1 calls shall be dispatched to the closest and or first available units in the sector.
 If no unit is available in the sector the dispatcher will enter NCA into the text of the call and continue to review unit availability.

PAGE 05

3019523749

- The Sector Supervisor should be notified by radio, CAD/MDC message, or official telephone line whenever a Priority 1 call has been pending for more than five minutes.
- A notation will be made in CAD indicating the Sector Supervisor was notified, to include either their car number or rank and name.

Priority 2

Definition: Priority 2 calls involve incidents where a delay in police response is not likely to result in further injury, property loss, and the suspects are not in the area of the scene.

- Priority 2 calls shall be dispatched immediately when possible, but always within thirty minutes of entry.
- Priority 2 calls shall be dispatched to the closest and or first available units in the sector. If no unit is available in the sector the dispatcher will enter NCA into the text of the call and continue to review unit availability.
- The Sector Supervisor shall be notified by radio, CAD/MDC message, or official telephone line whenever a Priority 2 call has been pending for more than thirty minutes.
- A notation will be made in CAD indicating the Sector Supervisor was notified, to include either their car number or rank and name.

Priority 3

Definition: Priority 3 calls involve incidents where a delay in police response is not likely to adversely affect an investigation, no injuries have been reported, and the suspects are not in the area of the scene.

- Priority 3 calls shall be dispatched immediately when possible, but always within thirty minutes of entry.
- Priority 3 calls shall be dispatched to the closest available unit in the sector. If no unit is
 available in the sector the dispatcher will enter NCA into the text of the call and continue
 to review unit availability.
- The Sector Supervisor shall be notified by radio, CAD/MDC message, or official telephone line whenever a Priority 3 call has been pending for more than thirty minutes.
- A notation will be made in CAD indicating the Sector Supervisor was notified, to include either their car number or rank and name.

PSC Directive 2012-02 February 13, 2012

Priority 4

Definition: Priority 4 calls are self-initiated calls noting activity of a police officer or calls noting a transfer of a 9-1-1 call to another jurisdiction.

- Priority 4 calls are self-initiated calls generated by police officers on the scene of an incident and do not require dispatch.
- Priority 4 calls are also calls initiated by the 9-1-1 call taker noting the transfer of 9-1-1 calls to another jurisdiction and do not require the dispatch of a Prince George's County Police Officer.

Pending Calls Status Report - Sector Supervisor

- The Sector Supervisor will be given a Pending Calls Status Report for his/her sector every thirty minutes. This will be done on the radio and should include the following information:
 - The number and type of Priority I calls that are currently pending or have been pending for more than five minutes.
 - The number of Priority 2 and 3 calls that are currently pending or have been pending for more than thirty minutes.

Pending Calls Status Report - Shift Commander

- The Shift Commander will be given a Pending Calls Status Report for his/her sectors as necessary. This will be done by radio, CAD/MDC message, or official telephone line and will include the following information:
 - The number of Priority 1, 2, and 3 calls that have been pending for more than sixty minutes.

Call Documentation

At the 30 minute mark (on the hour and half hour) CAD will prompt the dispatcher to remind the Sector Supervisor and or Shift Commander about any pending calls being held longer than noted above. After this notification, the dispatcher will document, in the text of each pending call, that this notification has been made. This notification will include the car number or name and rank of the supervisor/commander notified.

(Example, NCA, 3J10 advised or NCA, Lt. Doe advised of calls on hold). The response provided may be noted in CAD.

PSC Directive 2012-02 February 13, 2012

DESCRIPTION	CAD CALL TYPE	PRIORITY	AGENCY
3SI Alert	84B	E	P
Abduction	ABDUCT	Е	P
Break In	BREAK	È	P
Carjacking	CARJK	E	P
Plane Accident - Combined Call	CPLANE	E	P
Train Accident - Combined Call	CTRAIN	Е	P
	CUT	E	P
Cutting	DROWN	E	Р
Drowning	HALARM	Е	P
Hold-up Alarm	HELP	E	Р
Signal 13 - Police/Sheriff	HELPF	E	P
Help for FF/EMS	HUTI	E	P
Hit and Run w/Injury	KIDNAP	E	P
Kidnapping	RAPE	E	P
Rape	ROBB	E	P
Robbery		E	P
Shooting	SHOOT	E	P
Suicide	SUICI	1	P
Departmental Accident	ACCD	1	P
Fire Dept Departmental Accident	ACCFD	1	P
Highway Accident	ACCH		P
Industrial Accident	ACCI		P
Motorcycle Accident	ACCM	1	
Pedestrian Accident	ACCP	1	P
Street Accident	ACC\$	1	P
Vicious Animal Complaint	ANIML	1	P
Barricade	BARRI	1	P
Explosive Device/Bomb Threat	BOMB	1	P
Check Weapon	CKWEAP	11	P
Cross Burning	CROSS	1 +	P
Domestic	DOMEST]	P
Escape	ESCAPE	1	P
911 Disconnect	HANGUP	1	Р_
Hate Crime	HATE	1	P
Lock Out/In	LOCK	1	P
Missing Person	MISS1	1	P
Stolen Vehicle	STLVE1	1	P
Tampering	TAMPER	1	P

PSC Directive 2012-02 February 13, 2012

DESCRIPTION	CAD CALL TYPE	PRIORITY	AGENCY
Theft from Auto Just Occurred	THEFA1	1	P
Theft Just Occurred	THEFT1	1	P
Traffic Hazard	TRAFI	1	P
Unknown Trouble	UNK	1	P
Child/Vulnerable Adult Abuse	ABUSE	2	P
Assist FD	ASFIRE	2	P
Assault	ASLT	2	P
Assist other Agency	ASSIST	2	P
Check Suspicious Person	CKPER	2	P
Check Suspicious Person in Automobile	CKPERA	2	P
Check Welfare	CKWEL	2	P
Disorderly	DISORD	2	P
Family Dispute	DISPUT	2	Р
Drag Racers	DRAG	2	P
Fight	FIGHT	2	P
Sound of Gunshots	GNSHOT	2	P
Injured Person	INJUR	2	P
Neighbor Complaint	NEIGHB	2	P
Open Door/Window	OPEN	2	P
Property Alarm	PALRM	2	P
Commercial Alarm	PALRMC	2	P
Residential Alarm	PALRMR	2	P
School Alarm	PALRMS	2	P
Vehicle Alarm	PALRMV	2	P
Police Hazmat Invest	PHAZIN	2	P
Police Test	PTEST	2	P
Request Assistance	RA	2	Р
Robbery Report Call	ROBB2	2	P
Stalking	STALK	2	P
Stolen Vehicle Report	STLVEH	2	Р
Trespassing Complaint	TRES	2	P
Misc Calis	XXX	2	Р
Abduction Report	ABDUC3	3	P
Child/Vulnerable Adult Abuse Report	ABUS3	3	Р
Accident-Report	A:CC	3	Р
Added Information	ADDED	3	P
Animal Complaint	ANIMAL	3	P

PSC Directive 2012-02 February 13, 2012

DESCRIPTION	CAD CALL TYPE	PRIORITY	AGENCY
Assault Report	ASLT3	3	Р
Water Restriction Violation	ASWSSC	3	P
Bait Car Signal 6B	BAIT	33	Ъ
Break In Report	BREAKR	3	P
Drug Complaint	CDS	3	P
Check Vehicle	CKAUTO	3	P
Check Premises	CKPREM	3	P
Check Weapon - Report	CKWEP3_	3	P
Court	COURT	3	Р
Death Report	DEATH	3	P
Domestic Standby	DOMESS	3	P
DWI ·	DWI	3	P
Found Property	POUND	3	P
Gambling Complaint	GAMBLE	3	P
Hit and Run	HIT	3	P
Impound	IMP	3	P
Juvenile Complaint	JUVS	3	P
Liquor Complaint	LIQUOR	3	Þ
Loitering Complaint	LOITER	3	P
Lost Property Report	LOST	3	P
Loud Music Complaint	MUSIC	3	P
Noise Complaint	NOISE	3	P
Notification	NOTTFY	3	P
Misc Police Incident	OTHER	3	P
Party Complaint	PARTY	3	p
Telephone Complaint	PHONE	3	P
Property Damage	PROPDA	3	P
Rape Report	RAPE3	3	P
Shoplifting	SHOPL	3	P
Stalking Report	STALK3	3	P
Theft Report	THEFT	3	Р
Theft from Auto Report	THEFTA	3	P
Threats Complaint	THREAT	3	P
Traffic Complaint	TRAF	3	P
Trash Dumping Complaint	TRASH	3	р
Vandalism	VANDAL	3	Р
Wires Down	WIRE	3	P

....

PSC Directive 2012-02 February 13, 2012

	CAD CALL TYPE	PRIORITY	AGENCY
DESCRIPTION		4	P
Transfer 9-1-1 Call To Anne Arundel	AACO	4	P
Transfer 9-1-1 Call To Andrews AFB	AAFB		P
Transfer 9-1-1 Call To Calvert County	CALV	4	P
Transfer 9-1-1 Call To Charles County	CHA\$	4	
Vice Investigation	DRUGND	44	P
Stadium Event	FEDEX	4	р
Field Ops	FIELDOPS	4	Р
Transfer 9-1-1 Call To Howard County	HOWARD	4	Р
Transfer 9-1-1 Call To Non-Emergency	INFO	4	P
Transfer 9-1-1 Call To Montgomery	MONIT	4	P
County	MONT	4	
Transfer 9-1-1 Call To MPDC	MPDC	4	P
Transfer 9-1-1 Call To MD State Police	MSP	4	P
Closed Call Out of Service Cell	NSCELL	4	Р
Part Time Notify	PT	4	P
Subject Stop	SS	4	P
Transfer 9-1-1 Call To St Mary's County	STMARY	4	P
Traffic Stop	Т	4	P
Test Police Incident	TEST	4	P
Transfer 9-1-1 Call To Municipalities	TOWN	4	P
Traffic Pursuit	TP	4	P
Transfer 9-1-1 Call To Metro Transit	TRANPD	4	P
Use of Force #'s	USEF	4	P
Transfer 9-1-1 Call To US Park Police	USPARK	4	р
Transfer 9-1-1 Call To All VA Agencies	VA	4	Р

Exhibit 11

CB-24-2020

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND 2020 Legislative Session

Bill No.	CB-24-2020	
Chapter No.	4	
Proposed and Pre	sented by Council Member Turner	
Introduced by(Council Members Turner, Anderson-Walker, Ivey, Harrison, Davis,	
	Franklin, Glaros, Taveras, Streeter and Hawkins	
Date of Introduct	ion May 29, 2020	

BILL

AN ACT concerning

Fiscal Year 2021 Appropriations

For the purpose of making appropriations for the support of the County government and for the Prince George's Community College and for the schools, institutions, departments, offices, boards, commissions, and agencies of Prince George's County, and for other purposes, for the fiscal year beginning July 1, 2020, and ending June 30, 2021; adopting the current expense budget, the capital improvement program, and the capital budget prepared according to the Charter of Prince George's County and submitted by the County Executive to the County Council; appropriating the items of expense in said current expense budget; establishing rates of reimbursement for subsistence expenses for employees of the County; providing for the inclusion of all State, Federal and private grants received subsequent to adoption of the current expense budget; imposing the applicable income and special area tax rates under the public general laws and public local laws of Maryland; all to be known as the Annual Budget and Appropriation Ordinance of Prince George's County for Fiscal Year 2021.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that subject to and in accordance with the authority of the Charter of Prince George's County, the public general laws and public local laws of Maryland relating to budget procedures, and pursuant to applicable local ordinances heretofore enacted, the several amounts specified in the current expense budget of Prince George's County and of the Board of Education of Prince George's County as submitted by the County Executive to the County Council on or before March 15, 2020, and incorporated in a document entitled "Proposed"

Current Expense Budget Fiscal Year 2021", an authenticated copy of which is incorporated herein by reference and made a part hereof as though it were set forth fully herein, is hereby authorized and appropriated for the several purposes specified in the proposed budget document under Function/Program/Agency/Activity, financial summary or function in the case of the Board of Education, to pay salaries, wages, fees and all other current expenses for the Prince George's Community College and for schools, institutions, departments, boards, commissions, committees, offices and agencies in and of the said County and for the Board of Education. The aforementioned budget is hereby adopted and approved, for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

SECTION 2. The amount of reimbursement for expenses for subsistence incident to the performance of official duties of officers or employees of the County shall be at the following rates:

Meals will be reimbursed on the basis of actual costs including gratuities, with the following limits, unless a greater amount is specifically authorized by the Chief Administrative Officer for the Executive Branch or Council Administrator for the Legislative Branch on the facts of each case:

- a. Breakfast \$6.00
- b. Lunch \$10.00
- c. Dinner \$20.00
- d. Conference meals are reimbursed at actual costs.
- e. Mileage reimbursement for use of private vehicles for County business shall be set at the Federal reimbursement rate set by the Internal Revenue Service (Federal Calendar Year 2020) in effect as of July 1, 2020.

SECTION 3. FEDERAL, STATE AND PRIVATE GRANTS. All Federal, State and private grants not included in the current expense budget of the County or any agency subject to control of the County shall upon receipt be included as a part of the current expense budget of the County or agency's budget for the year received, or for the term of the grant, whichever is of greater duration, to be expended for the purpose set forth in the grant. Prior to the expenditure of any monies therefrom the agency shall receive approval from the County Executive and County Council. Any unexpended funds shall be included in the next annual budget.

SECTION 4. CAPITAL IMPROVEMENT PROGRAM. Subject to and in accordance

with the authority of the Charter of Prince George's County, the public general laws and public local laws of Maryland relating to budget procedures, the several capital improvement projects and amounts specified thereto, contained in the capital program and the capital budget of Prince George's County for the Prince George's Community College and for the various offices, departments, boards, commissions, institutions, corporations and agencies, excluding the Washington Suburban Sanitary Commission, as submitted by the County Executive to the County Council on or before March 15, 2020, and subsequently amended by the County Executive, and incorporated in a document entitled "Fiscal Years 2021 - 2026 Capital Improvement Program - Fiscal Year 2021 Capital Budget", an authenticated copy of which is incorporated herein by reference and made a part hereof as though it were fully set forth herein, is hereby adopted and approved. The capital budget hereby adopted constitutes the total appropriation for projects that are scheduled for implementation in Fiscal Year 2021 and those projects previously authorized. Inclusion of any project in the Capital Improvement Program, with all funding shown in the category "Beyond Six Years", shall mean that this project is not "programmed" for the purpose of evaluating the adequacy of public facilities in accordance with the subdivision regulations and the Zoning Ordinance. The County expects that certain costs of the approved Capital Projects will be paid before the date of issuance of bonds (or other obligations of the County to be issued after the date of adoption of this Act) from a source of funds other than a County borrowing (each, a "Prior Expenditure" and collectively, the "Prior Expenditures"). The County hereby declares, in accordance with Section 1.150-2 of the Income Tax Regulations, its intention to use a portion of the proceeds of bonds (or other obligations of the County to be issued after the date of adoption of this Act) to reimburse itself for Prior Expenditures paid no earlier than 60 days before the date of adoption of this Act. In accordance with Section 1.150-2 of the Income Tax Regulations, the maximum principal amount of obligations expected to be issued for the approved Capital Projects is set forth in the respective Funding Schedules in the Capital Improvement Program. The County recognizes that, under Section 1.150-2 of the Income Tax Regulations, the use of proceeds of bonds to reimburse the County for a Prior Expenditure (other than certain de minimis or preliminary expenditures described in Section 1.150-2(f) of the Income Tax Regulations) generally will be permitted only to the extent that: (i) the Prior Expenditure constitutes a capital expenditure for federal income tax purposes; (ii) the Prior Expenditure was paid not earlier than 60 days before the date of

6

12 13

14

11

15 16

18 19

20

17

21 22

23

24

25 26

27 28

29

30 31

adoption of this Act; and (iii) the allocation of proceeds of the bonds to such reimbursement is made not later than 18 months after the later of (a) the date the Prior Expenditure was paid, or (b) the date the applicable approved Capital Project is placed in service or abandoned, but in no event more than three years after the Prior Expenditure was paid.

SECTION 5. COUNTY ENERGY TAX. Pursuant to the County taxing authority conferred by way of public local laws enacted by the Maryland General Assembly, codified at Section 10-205.01(i)(2) of the Prince George's County Code, 2019 Edition, as amended, the following Energy Tax Rates are hereby established, via action upon and approval of this Act by the County Council, for energy bills rendered on or after July 1, 2020:

TYPE OF ENERGY	RATE
Electricity	\$0.009588 per Kilowatt Hour
Natural Gas	\$0.061370 per Therm
Fuel Oil	\$0.226733 per Gallon
Propane	\$0.144339 per Gallon

SECTION 6. COUNTY INCOME TAX. Pursuant to Section 10-106, Tax - General Article, Annotated Code of Maryland, as amended, which requires each County to set a county income tax rate equal to at least one percent (1%) but not more than three and two tenths percent (3.2%) of an individual's Maryland taxable income, the County Council has set in CR-22-2008, adopted on May 20, 2008, a County income tax rate of three and two tenths percent (3.2%) of an individual's Maryland taxable income tax for the calendar years beginning January 1, 2009.

SECTION 7. EMERGENCY TRANSPORTATION FEE. Pursuant to Section 11-346 of the Prince George's County Code, which requires that the fee for emergency transportation be established in the Annual Budget and Appropriation Ordinance and pursuant to Section 11-347 which requires that revenues from the fees imposed for emergency transportation by the County shall be used for operation and capital expenses related to emergency transportation, the following emergency transportation fees are hereby set for emergency transportation services rendered on or after July 1, 2020:

TYPE OF EMERGENCY	FEE
TRANSPORTATION SERVICE	
Basic Life Support	\$500.00
Advanced Life Support 1	\$650.00

Advanced Life Support 2

\$750.00

Mileage fee

\$12.00 per mile

SECTION 8. AMENDMENTS TO THE CURRENT EXPENSE BUDGET, THE CAPITAL PROGRAM, AND THE CAPITAL BUDGET. The proposed current expense budget of Prince George's County and of the Board of Education, referred to above in Section 1 of this Act, and the Capital Improvement Program and Capital Budget referred to in Section 4 above, are hereby amended as set forth in Exhibits 1, 2, 3, and 4 attached hereto and made a part hereof:

The amount of the revenue estimates in the current expense budget for all funds as submitted by the County Executive as set forth in the Proposed Budget, Fiscal Year 2021 is hereby set at the sum of \$4,475,746,300 in accordance with the revenue schedule on the ensuing pages.

PRINCE GEORGE'S COUNTY FISCAL YEAR 2021 REVENUE

REVENUE ITEM	PROPOSED	COUNCIL APPROVED
	FY 2021	FY 2021
PROPERTY TAXES	\$ 925,627,000	\$ 925,627,000
(Including Personal Property Taxes)		
BOARD of EDUCATION - Tax Increa	ase 42,032,900	42,032,900
INCOME TAXES	711,980,200	625,564,500
TRANSFER & RECORDATION TAX	XES 187,678,600	174,442,400
OTHER LOCAL TAXES	143,040,000	134,577,100
STATE SHARED TAXES	7,281,300	7,281,300
LICENSES & PERMITS	68,852,800	52,148,600
USE OF MONEY & PROPERTY	21,663,200	11,860,100
CHARGES FOR SERVICES	62,774,300	62,774,300
INTERGOVERNMENTAL REVENU	TES 38,911,300	43,195,800
MISCELLANEOUS REVENUES	14,940,300	11,289,300
OTHER FINANCING SOURCES	33,583,000	63,583,000
BOARD OF EDUCATION AID	1,462,069,500	1,462,343,000
COMMUNITY COLLEGE AID	86,398,500	88,739,800
LIBRARY AID	8,941,800	8,941,800
TOTAL GENERAL FUND	\$ 3,815,774,700	\$ 3,714,400,900
INTERNAL SERVICE FUNDS	62,196,500	61,232,700
ENTERPRISE FUNDS	209,016,200	208,248,400
SPECIAL REVENUE FUNDS	243,396,600	239,396,600
GRANT PROGRAMS	<u>248,725,500</u>	<u>252,467,700</u>
TOTAL ALL FUNDS	\$ 4,579,109,500	\$ 4,475,746,300

The following amendments to the revenue estimates in the FY 2021 current expense budget were made and submitted by the County Executive and are reflected in amendments made by the State of Maryland or are a result of adjustments made by the County Council.

GENERAL FUND

Income Taxes

Decrease revenue by \$86,415,700 to reflect revised projections based on current collections and estimated fiscal impact of the global pandemic. (Income tax receipts decrease \$77,430,000 and the State Income Disparity Grant declines by \$8,985,700, as a result of adjustments made by the County Executive on April 20, 2020.)

Transfer and Recordation Taxes

Decrease revenue by \$13,236,200 to reflect revised projections due to a decline in home purchases and refinance activity, as a result of adjustments made by the County Executive on April 20, 2020.

Other Local Taxes

Decrease revenue by \$8,462,900 to reflect revised projections based on current collections and the estimated fiscal impact of the global pandemic. (Admission and Amusement Taxes decrease \$5,648,500 and Hotel and Motel Taxes decrease \$2,814,400, as a result of adjustments made by the County Executive on April 20, 2020.)

Licenses and Permits

Decrease revenue by \$16,704,200 to reflect revised projections as a result of adjustments made by the County Executive on April 20, 2020. (Permit and license collections decline \$1,934,500 based on current collections. Gaming revenues decrease \$14,769,700 based on current collections and the estimated fiscal impact of MGM remaining closed through the first quarter of FY 2021. No VLT funding will be collected due to the hold harmless clause.)

Use of Money and Property

Decrease revenue by \$9,803,100 for Interest Income to reflect revised projections based on current collections and the estimated fiscal impact of the global pandemic, as a result of adjustments made by the County Executive on April 20, 2020.

Intergovernmental Revenues

Increase revenue by \$4,284,500 as a result of a decrease in various State grant programs (\$5,715,500) and an increase in the Federal FEMA reimbursement category related to the

4	
5	
6	
7	١
8	ľ
9	۱
10	
11	
12	١
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	

3

COVID-19 response (\$10,000,000), as a result of adjustments made by the County Executive on April 20, 2020.

Miscellaneous

Decrease revenue by \$3,651,000 as a result of a decline in fines and forfeitures collections related to the automated speed programs as well as a decline in parking revenues, as a result of adjustments made by the County Executive on April 20, 2020.

Other Financing Sources

Increase revenue by \$30,000,000 to reflect an increase in the use of fund balance based on the estimated fiscal impact of the global pandemic, as a result of adjustments made by the County Executive on April 20, 2020.

Outside Aid - Board of Education

Increase revenue by \$273,500 due to an increase in State Aid based on the approved State budget.

Outside Aid - Community College

Increase revenue by \$2,341,300 due to an increase in State Aid based on the approved State budget.

SUBTOTAL GENERAL FUNDS - (\$101,373,800)

INTERNAL SERVICE FUNDS

Information Technology Internal Service Fund

Decrease revenue by \$750,000 in the Information Technology Internal Service Fund as a result of a decrease in the transfer from the General Fund, based on adjustments made by the County Executive on April 20, 2020.

Fleet Management Internal Service Fund

Decrease revenue by \$213,800 in the Fleet Management Internal Service Fund as a result of a decrease in the use of fund balance, based on adjustments made by the County Executive on April 20, 2020.

SUBTOTAL INTERNAL SERVICE FUNDS – (\$963,800)

ENTERPRISE FUNDS

Solid Waste Enterprise Fund

Decrease revenue by \$279,300 in the Solid Waste Enterprise Fund as a result of a decrease in the use of fund balance, based on adjustments made by the County Executive on April 20,

2020.

Decrease revenue by \$456,200 in the Stormwater Management Enterprise Fund as a result of a decrease in the use of fund balance, based on adjustments made by the County Executive on April 20, 2020.

Local Watershed Protection and Restoration Enterprise Fund

Stormwater Management Enterprise Fund

Decrease revenue by \$32,300 in the Local Watershed Protection and Restoration Enterprise Fund as a result of a decrease in the use of fund balance, based on adjustments made by the County Executive on April 20, 2020.

SUBTOTAL ENTERPRISE FUNDS – (\$767,800)

SPECIAL REVENUE FUNDS

Housing Investment Trust Fund

Decrease revenue by \$4,000,000 as a result of a decrease in the transfer from the General Fund, based on adjustments made by the County Executive on April 20, 2020.

SUBTOTAL SPECIAL REVENUE FUNDS – (\$4,000,000)

GRANTS

Net increase in grant revenue by \$3,742,200 due to changes to the Office of the State's Attorney, Police Department, Office of the Sheriff, Health Department, and the Department of Housing and Community Development, as a result of adjustments made by the County Executive on May 27, 2020.

SUBTOTAL GRANTS - (\$3,742,200)

TOTAL ALL FUNDS - (\$103,363,200)

SECTION 9. TRANSFER TAX. Pursuant to Section 10-187(e) of the Prince George's County Code, all transfer tax revenue collected by Prince George's County in Fiscal Year 2021 shall be used for funding the Instructional Salaries, Instructional Materials and Related Costs, Special Education, and Fixed Charges Categories of the Board of Education approved Fiscal Year 2021 Budget.

SECTION 10. BE IT FURTHER ENACTED that, notwithstanding the provisions of Section 10-261 of the Prince George's County Code, the County Executive may identify vehicles forfeited to the County, which vehicles may be sold with the proceeds thereof benefiting local charitable organizations.

SECTION 11. BE IT FURTHER ENACTED that it is the intent of the County Council in enacting the Capital Improvement Program pertaining to the Watershed Implementation Plan (WIP II) that the following conditions shall attach and apply to the project:

- A. Department of the Environment's present plans require that 22% of the stormwater retrofits utilize Environmental Site Design (ESD), pursuant to Chapter 5 of the 2009 Maryland Stormwater Manual and Subtitle 32 of the County Code, and 78% use conventional stormwater management retrofits.
- B. It is the intention of the Council that the County must use these funds to implement the proposed ESD first before either performing ESD or conventional retrofits, that the Department of the Environment continue to research and develop ways to reduce the cost of ESD, initiate and complete an evaluation of the costs and economic benefits of the two approaches and provide the Council with a report.

SECTION 12. BE IT FURTHER ENACTED that the Fire Chief, the Chief of Police, and the Director of Corrections shall provide reports to the County Council within 30 days of the end of each month concerning the level of expenditures within the Fire/Emergency Medical Services Department, the Police Department, and the Department of Corrections, respectively, for overtime compensation, including paid time off in lieu of overtime compensation, and the deviation from the amount authorized for the payment of overtime compensation in the adopted budget, and that the Director of Management and Budget shall provide a report to the County Council not later than January 30, 2021, of the level of expenditures for overtime compensation for each agency and department as of December 31, 2020.

SECTION 13. BE IT FURTHER ENACTED that the Director of Management and Budget and the Director of Finance shall provide reports to the County Executive and the County Council within 15 days of the end of each bi-monthly period, beginning on September 30, 2020, for the months of July and August, concerning the level of revenues received and the level of expenditures made or encumbered to determine whether the anticipated level of revenues and expenditures that formed the basis for the adoption of this Annual Budget and Appropriation Ordinance are being realized during the course of the fiscal year.

SECTION 14. BE IT FURTHER ENACTED that the Director of the Department of Public Works and Transportation shall provide a report to the County Executive and the County Council by September 30, 2020, concerning the status of the road resurfacing needs in the

19 20 21

18

23 24

25

22

26 27

28 29

30 31 County to assist the County Council in their development of a road resurfacing priority funding list to be expended as provided in the Curb and Road Rehabilitation 2 (4.66.0002) capital improvement program project; and such road resurfacing projects shall have a goal of at least 51% of those related jobs being held by County residents. The Department of Public Works and Transportation will work with the County Council on identifying projects in the council districts for the apportioned funds.

SECTION 15. BE IT FURTHER ENACTED that there is a General Fund operating reserve, equal to two percent of the General Fund budget, subject to appropriation only in accordance with Section 816 of the Charter for Prince George's County, Maryland, to meet a public emergency, which constitutes a sudden, unexpected or unforeseen condition or occurrence, creating an imminent hazard to life, health or property and requiring immediate action.

SECTION 16. BE IT FURTHER ENACTED that there is a three-person committee to assign fund balance in the General Fund consisting of (1) the Director of the Office of Management and Budget, or his or her designee; (2) the Director of Finance of the County, or his or her designee; and (3) the County Council Administrator, or his or her designee.

SECTION 17. BE IT FURTHER ENACTED that if any person holding an office of profit within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, is appointed to a second office within the meaning of Article 35 of the Declaration of Rights, Constitution of Maryland, in the opinion of the County Attorney, then no compensation or other emolument, except expenses incurred in connection with attendance at hearings, meetings, field trips, and working sessions, shall be paid from any funds appropriated by this budget to that person for any services in connection with the second office.

SECTION 18. BE IT FURTHER ENACTED that, in accordance with Section 815 of the Charter, the County Executive has submitted a proposed listing of positions for each agency of the County, a copy of which is attached as Exhibit 6, and the County Council has delineated a proposed listing of positions for the County Council, a copy of which is attached as Exhibit 5, the County Council approves the number of positions contained in Exhibit 5 and Exhibit 6 for Fiscal Year 2021.

SECTION 19. BE IT FURTHER ENACTED that, in accordance with Section 819 of the County Charter, the County Council has considered and hereby approves certain multi-year

contracts for Fiscal Year 2021, attached hereto as Exhibit 7 and incorporated as if set forth fully herein, as follows:

A. Exhibit 7 contains an itemized listing of:

- (1.) Personal service contracts exceeding an aggregate of One Hundred Thousand Dollars (\$100,000) per contractor and all other multiyear contracts with an aggregate of Five Hundred Thousand Dollars (\$500,000), the nature of such transactions reasonably requires the making of such contracts, by agency, vendor, services, term and amount; and
- (2.) Multiyear contracts for which the County Council hereby approves limited executory authority for the making of personal service contracts and multiyear contracts for goods and services anticipated for execution in Fiscal Year 2021; authority for such contracts is conditioned upon written submission of vendor, contract term, and final contract award amount for each contract by the County Executive to the County Council.

SECTION 20. BE IT FURTHER ENACTED that prior to any expenditure of MGM National Harbor local impact grant funds for services and improvements consistent with infrastructure, facilities, public safety, sanitation, economic and community development, including housing, and other public services and improvements, and subsequent to the local development council's review, comment and recommendations on the multiyear plan for the expenditure of the MGM National Harbor local impact grants for services and improvement, the County Executive, pursuant to Section 10-309.2 (b) of the Prince George's County Code, shall transmit the multiyear plan to the Council for review and approval by resolution. A published notice and a public hearing shall be required prior to adoption of the resolution.

SECTION 21. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

SECTION 22. EFFECTIVE DATE.	This Act shall take effect on July 1, 2020.
Adopted this 29th day of May, 2020.	•
	COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
В	BY: Todd M. Turner Council Chair
ATTEST:	
Donna J. Brown Clerk of the Council	
	APPROVED:
DATE: E	BY: Angela D. Alsobrooks County Executive
Note: See Exhibits 1, 2, 3, 4, 4A, 4B, 5, 6	6, and 7.

Exhibit 12

Portions of Exhibit 4 to CB-24-202

Changes to the Proposed FY 2021 – FY 2026 Capital Improvement Program

Project	Change (in millions)
BOARD O	F EDUCATION
ASBESTOS CEILING TILE	Increase FY 2020 estimate 'Other' from \$1,453 to \$2,073 and 'GO Bonds' from \$1,920 to \$2,540. Total project cost increases from \$13,472 to \$14,092.
BURIED FUEL TANK REPLACEMENTS	Increase FY 2020 estimate 'Constr' from \$531 to \$581 and FY 2020 estimate 'GO Bonds' from \$529 to \$579. Total project cost increases from \$12,259 to \$12,309.
CFC CONTROL AND A/C MODERNIZATION	Decrease FY 2020 estimate 'Other' from \$1,706 to \$106 and 'GO Bonds' from \$667 to \$0. Decrease FY 2021, FY 2022 and FY 2023 'GO Bonds' from \$300 to \$0. Decrease FY 2024 'GO Bonds' from \$300 to \$267. Total project cost decreases from \$8,956 to \$7,356.
CHEROKEE LANE ES	Increase FY 2020 estimate 'Constr' from \$13,701 to \$28,101 and FY 2020 estimate 'GO Bonds' from \$13,700 to \$28,100. Increase FY 2021 'Constr' from \$20,306 to \$22,066 and FY 2021 'GO Bonds' from \$663 to \$2,423. Update Highlights to remove 'No significant highlights for this project' and replace with 'The total project cost for this project has increased due to escalation in construction prices and unforeseen site issues.' Total project cost increases from \$34,007 to \$50,167.
CODE CORRECTIONS	Increase FY 2020 estimate 'Other' from \$500 to \$4,500 and FY 2020 estimate 'GO Bonds' from \$1,432 to \$5,432. Total project cost increases from \$22,641 to \$26,641.
HEALTHY SCHOOLS	Decrease FY 2020 estimate 'Other' from \$11,300 to \$6,462 and 'GO Bonds' from \$11,300 to \$6,462. Total project cost decreases from \$65,038 to 60,200.
KITCHEN AND FOOD SERVICES	Decrease FY 2020 estimate 'Other' from \$2,234 to \$1,895 and 'GO Bonds' from \$7,719 to \$7,380. Total project cost decreases from \$34,676 to \$34,337.
MAJOR REPAIRS LIFECYCLE REPLACEMENTS	Increase FY 2020 estimate 'Other' from \$12,813 to \$15,813 and FY 2020 estimate 'GO Bonds' from \$24,362 to \$27,362. Total project cost increases from \$175,526 to \$178,526.
PARKING LOT DRIVEWAYS	Decrease FY 2020 estimate 'Other' from \$4,422 to \$3,095 and 'GO Bonds' from \$4,362 to \$3,035. Total project cost decreases from \$19,834 to \$18,507.
PLANNING AND DESIGN	Decrease FY 2020 estimate 'Other' from \$7,690 to \$7,190 and FY 2020 estimate 'GO Bonds' from \$9,800 to \$9,300. Increase FY 2021 'Plans' from \$7,259 to \$9,259 and 'GO Bonds' from \$7,259 to \$9,259. Update Highlights to include 'FY 2021 funding includes \$2 million for planning and design for Margaret Brent ES.' Total project cost increases from \$57,409 to \$58,909.

PLAYGROUND EQUIPMENT PLAY FIELD Increase FY 2020 estimate 'Constr' from \$601 to \$69 (GO Bonds' from \$1,024 to \$1,119. Decrease FY 2020)	o and
DEDLATERATE TO THE TEACHER BY ALL	
'Other' expenditure from \$130 to \$0 and FY 2021 'O	
Funding from \$130 to \$0. Highlights updated to rem	
mention of FY 2021 VLT funding "FY 2021 'Other'	
funding is from MGM VLTat Forest Heights ES".	Total
project cost decreases from \$6,280 to \$6,245.	
SECURITY UPGRADES Decrease FY 2020 estimate 'Other' from \$5,268 to \$	2,078
and FY 2020 estimate 'GO Bonds' from \$6,132 to \$2	
Total project cost decreases from \$30,664 to \$27,474	
SPRINGHILL LAKE ES Add project back to book using information included	
FY 2020 Approved Book, Move \$500 from Beyond	I
2026 ('Plans' and 'GO Bonds') and leave remainder	
total project costs in Beyond. Total project cost remainder	ing
	11112
unchanged from FY 2020 Approved Book.	2 600
STADIUM UPGRADES Increase FY 2020 estimate 'Constr' from \$3,100 to \$	
and 'GO Bonds' from \$0 to \$500. Total project cost	
increases from \$22,900 to \$23,400.	
STEPHEN DECATUR MS Increase FY 2021 'Constr' from \$5,292 to \$5,542 and	
2021 'GO Bonds' from \$0 to \$250. Total project cos	it
increases from \$20,622 to \$20,872.	
SYSTEMIC REPLACEMENTS 2 Decrease FY 2020 estimate 'Other' from \$151,737 t	0
\$139,666 and FY 2020 estimate 'GO Bonds' from	
\$176,337 to \$164,266. Decrease FY 2021 'Other'	
expenditure from \$1,627 to \$0 and FY 2021 'Other'	
funding from \$1,627 to \$0. Increase FY 2021 'Const	
from \$28,121 to \$28,391 and FY 2021 'GO Bonds'	from
\$28,121 to \$28,391. Highlights updated to remove n	nention
of FY 2021 VLT funding "FY 2021 'Other' funding	
from MGM VLTat Fort Foote ES (\$398)" and rep	
with "No significant highlights for this project." Tot	an
project cost decreases from \$373,979 to \$360,551.	<u></u>
TULIP GROVE ES REPLACEMENT Increase FY 2020 estimate 'Constr' from \$414 to \$1	,614
and FY 2020 estimate 'GO Bonds' from \$13,295 to	
\$14,495. Decrease FY 2021 'Constr' from \$2,280 to	
and FY 2021 'GO Bonds' from \$2,280 to \$0. Updat	e
Highlights by removing 'No significant highlights for	or this
project' and replacing with 'Construction projected'	to be
completed in FY 2021.' Total project cost decreases	from
\$30,604 to \$29,524.	
φοσίου (το φ2),52	
DPW&T	
	in and
BRANDYWINE ROAD & MD 223 INTERSECTION Decrease FY 2021 'Other' funding from \$3,008 to \$	
FY 2022 'Other' funding from \$3,007 to \$0. Add 'O	
Bond' funding source with funding of \$3,008 in FY	2021
and \$3,007 in FY 2022. Total project cost remains	
unchanged. Update description to include "This	
project is subject to Developer and County Funding	
Developer participation for an adequacy determination	ion
requires payment of a pro-rata share toward this pro-	ject,
either through a Planning Board resolution or direct	
agreement with the County. The project is currently	Snown

	as fully funded in the CIP and is critical to retain funding to allow the collection of private funds."
BRANDYWINE ROAD CLUB PRIORITY PROJECTS	Update description to include "Priority may also be given to improvements on MD-5 in Planning Area 85A agreed to by the State and County which improve safety at intersections with County roadways."
CHURCH ROAD IMPROVEMENTS	Increase FY 2021 'Plans' from \$0 to \$250 and 'GO Bonds' from \$0 to \$250. Update Highlights to remove 'No significant highlights for this project' and replace with 'FY 2021 funding is for the completion of a feasibility study.' Total project cost increases from \$9,788 to \$10,038.
DPW&T FACILITES	Increase FY 2021 'Constr' from \$5,978 to \$6,478 and FY 2021 'GO Bonds' from \$6,228 to \$6,728. Total project cost increases from \$21,100 to \$21,600.
DEVELOPER CONTRIBUTION PROJECTS	Increase FY 2021 'Constr' from \$3,120 to \$6,540, 'GO Bonds' from \$0 to \$3,000 and 'Other' funding from \$0 to \$420. Increase FY 2022 'Constr' from \$700 to \$3,700 and 'GO Bonds' from \$0 to \$3,000. Update Description to add "The scope of work incorporates stormwater management treatment for legacy impervious areas for MS4/NPDES credits." Update Justification to add "Work involves best management practices to satisfy the stormwater management ordinance" and remove "This project facilitates the implementation of those improvements." Update Highlights to add "FY 2021 'Other' funding is fee-in-lieu for the Liberty Sports Park project." Total project cost increases from \$23,493 to \$29,913.
GREEN STREET IMPROVEMENTS	Decrease FY 2021 'Constr' from \$10,595 to \$10,095 and FY 2021 'GO Bonds' funding from \$11,550 to \$11,050. Total project cost decreases from \$48,356 to \$47,856.
MARYLAND 210 CORRIDOR TRANSPORTATION IMPROVEMENTS	Decrease FY 2021 'Constr' expenditure from \$4,281 to \$0 and FY 2021 'Other' funding from \$4,281 to \$0. Total project cost decreases from \$35,504 to \$31,223.
MARYLAND PURPLE LINE	Decrease FY 2021 'Other' from \$20,000 to \$0 and 'Other' funding from \$20,000 to \$0. Increase FY 2022 'Other' from \$20,000 to \$40,000 and 'Other' funding from \$7,125 to \$27,125. Update to Highlights to remove "'Other' funding is PAYGO in FY 2021."
TRAFFIC CONGESTION IMPROVEMENTS	Increase FY 2021 'Constr' from \$5,600 to \$6,600 and add 'State' funding of \$1,000 in FY 2021; increase FY 2022 'Constr' from \$4,750 to \$23,660 and add 'State' funding \$18,910 in FY 2022; increase FY 2023 'Constr' from \$0 to \$14,107 and add 'State' funding of \$14,107 in FY 2023; and increase FY 2024 'Constr' from \$0 to \$5,000 and add 'State' funding \$5,000 in FY 2024 as provided for in last year's State budget. Update Highlights to remove "with Other funding coming from the County". Total project cost increases from \$30,473 to \$69,490.

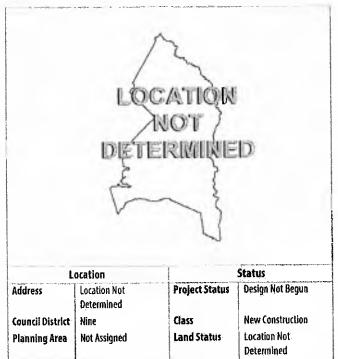
U.S. 301 IMPROVEMENTS	Decrease Beyond 6 Years 'Constr' from \$24,000 to \$0 and 'Dev' funding from \$24,000 to \$0. Increase FY 2022 'Constr' from \$0 to \$6,318 and 'Dev' funding from \$0 to \$6,318. Increase FY 2023 'Constr' from \$0 to \$6,318 and 'Dev' funding from \$0 to \$6,318. Increase FY 2024 'Constr' from \$0 to \$6,318 and 'Dev' funding from \$0 to \$6,318. Increase FY 2025 'Constr' from \$0 to \$6,318 and 'Dev' funding from \$0 to \$6,318. Increase FY 2026 'Constr' from \$0 to \$6,318 and 'Dev' funding from \$0 to \$6,318. Update Description to add Queen Court intersection, "Associated intersection improvements at Old Central Avenue, Trade Zone Avenue, Leeland Park, Village Drive West and Queen Court also will be undertaken." Total project cost increases from \$24,410 to \$32,000.
MEMORI	AL LIBRARY
BADEN PUBLIC LIBRARY	FY 2021 'Constr' decrease from \$1,000 to \$0 and 'Other' funding from \$1,000 to \$0. FY 2022 'Constr' increase from \$1,000 to \$2,000 and 'Other' funding increase from \$0 to \$1,000. Highlights updated to remove "FY 2021 'Other' funding is PAYGO" and replace with "Project has been delayed by one fiscal year as an impact of COVID-19 on County revenues." Total project cost remains unchanged.
REDEVELOPM	IENT AUTHORITY
GLENARDEN APARTMENTS REDEVELOPMENT	FY 2021 'Constr' decrease from \$9,478 to \$9,140 and 'Other' funding from \$4,790 to \$4,452. FY 2022 'Constr' increase from \$3,103 to \$3,441 and 'Other' funding from \$7,873 to \$8,211. Total project cost remains unchanged.
	FIRE
HYATTSVILLE FIRE/EMS STATION #801 OXON HILL FIRE/EMS STATION	Decrease FY 2020 estimate 'Constr' from \$8,367 to \$6,867; Increase FY 2021 'Constr' from \$4,530 to \$6,030. Total project cost remains unchanged. Decrease FY 2020 estimate 'Constr' from \$2,202 to
	\$1,202; Increase FY 2021 'Constr' from \$2,176 to \$3,176.
SHADY GLEN FIRE/EMS STATION	Total project cost remains unchanged. Decrease FY 2020 estimate 'Constr' from \$6,318 to \$5,818; Increase FY 2021 'Constr' from \$4,693 to \$5,193. Total project cost remains unchanged.
	SDP-1701-03-Additional Backup - 268 of 300

CENTRAI	SERVICES				
COUNTY BUILDING RENOVATIONS II DRIVER TRAINING FACILITY & GUN RANGE	Decrease FY 2021 'Plans' from \$100 to \$0 and 'Other' funding from \$100 to \$0. In the Highlights section remove the following language "and multi-cultural center feasibility study. The Multicultural Center would also hold events that promote inclusivity in a safe and welcoming environment." Total project cost decreases from \$164,416 to \$164,316. Increase FY 2020 estimate 'Constr' from \$18,394 to \$21,394 and FY 2020 'GO Bonds' from \$6,003 to \$9,003; Decrease FY 2021 'Constr' from \$18,292 to \$15,292 and 'GO Bonds' from \$18,754 to \$15,754. Total project cost				
PO	remains unchanged.				
DISTRICT V STATION	Increase FY 2024 'Plans' from \$0 to \$250. Decrease FY 2025 'Plans' from \$700 to \$450. Total project cost remains unchanged.				
NATIONAL HARBOR PUBLIC SAFETY BUILDING	Decrease FY 2021 'Constr' from \$3,000 to \$1,000 and FY 2021 'Other' Funding from \$2,000 to \$0. Increase FY 2022 'Constr' from \$0 to \$2,000 and FY 2022 'Other' funding from \$0 to \$2,000. Highlights updated to remove "Construction continues in FY 2021" and replace with "Project has been delayed by one fiscal year as an impact of COVID-19 on County revenues." Total project cost remains unchanged.				
STORMWATE	R MANAGEMENT				
BEAR BRANCH SUB-WATERSHED	Increase FY 2022 'Constr' from \$0 to \$1,400, 'Other' from \$0 to \$150 and FY 2022 'SW Bonds' funding from \$0 to \$1,550. Total project cost increases from \$4,197 to \$5,747.				
FLOOD PROTECTION AND DRAINAGE IMPROVEMENT	Increase FY 2021 'Other' from \$1,045 to \$1,145 and 'SW Bonds' from \$9,507 to \$9,607. Total project cost increases from \$104,557 to \$104,657.				
	NCPPC				
Exhibit 4A	Changes to Prior Approved Projects				
Exhibit 4B	Adjustments to the Proposed FY 2021 – FY 2026 Capital Improvement Program				

Exhibit 12.a.

CIP Page for Project No. 3.50.0002

POLICE DEPARTMENT



Description: This project consists of a newly constructed police station to upgrade and relocate the existing district station on Brandywine Rd in Clinton. District V serves 167 square miles. The new station will be located along the southern portion of Route 301 corridor and will be approximately 18,000 square feet and contain sufficient space for both police and administrative functions.

Justification: The existing District V station was built in 1964 and needs to be upgraded to accommodate the required staffing.

Highlights: No significant highlights for this project.

Enabling Legislation: CB-32-2018

PROJECT MILESTONES

The second of th	Estimate	Actual
1 st Year in Capital Program	and another than the second se	FY 2012
1 st Year in Capital Budget		FY 2013
Completed Design	TBD	
Began Construction	TBD	
Project Completion	TBD	

CUMULATIVE APPROPRIATION (000'S)

Life to Date	FY 2020 Estimate	FY 2021	Total
\$450	\$0	\$0	\$450

Project Summary

Category/ Description	Total Project Cost	Life to Date Actual	FY 2020 Estimate	Total 6 Years	Budget Year FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Beyond 6 Years
EXPENDITURE								24.47	La constantina de la constanti		the state of the second
PLANS	\$700	\$	\$	\$700	\$	\$	\$	\$250	\$450	\$ —	\$-
LAND	_	-	-	-	_	-	-		-		-
CONSTR	10,500	-	_	5,000	-	-	_	-		5,000	5,500
EQUIP	3,000	_	-	1,000	_		-	-	-	1,000	2,000
OTHER	2,500	450	-	900	-	1900	_		_	900	1,150
TOTAL	\$16,700	\$450	\$-	\$7,600	\$	\$	5-	\$250	\$450	\$6,900	\$8,650
FUNDING		,,.,		and the second s							
GO BONDS	\$16,700	\$700	\$ [\$7,350	\$	\$	\$-	\$	\$450	\$6,900	
TOTAL	\$16,700	\$700	\$	\$7,350	\$ —	Ş	\$	\$-	\$450	\$6,900	\$8,65
OPERATING II	MPACT	***************************************	A STATE OF THE STA								
PERSONNEL		-terreno, proposition to the second	-	\$-	\$	5-	\$—	5	\$-	\$	
OPERATING	3			-	-	_	_	_		_	
DEBT				-	-	_		-	_	_	100
OTHER				_		-	-	_	_		
TOTAL				\$	5-	\$	\$	\$-	\$	\$	-

Exhibit 13

Memorandum from the Chief Information Officer to the Chief of Police (Dated August 8, 2019)



Prince George's County Police DepartmentInformation Technology Division

DATE: August 8, 2019

TO: Chief of Police

FR: Chief Information Officer

RE: Response time analysis

There are many different ways for police departments to track and gauge their effectiveness towards serving their communities. One of the methodologies often used centers on response times and the time it takes for an officer to arrive and assist a person in need of our services. The concept of response time can mean different things to different groups. As an example, a citizen begins to measure the time from when they called 911 and the time an officer arrives. Whereas, a police department may be concerned with the time it takes an officer to drive to a location only after being dispatched. Both are valid, but clarification needs to be applied before any empirical analysis is completed.

The Information Technology Division (ITD), Joint Analysis & Information Center (JAIC) is tasked with extracting the necessary data and preparing response time studies for our department (PGPD). Many years ago it was difficult to calculate and produce accurate results, because the availability of source data was limited within legacy systems. However, the implementation of a new Computer Aided Dispatch (CAD) system in 2016 provided us with a much more accurate capability of tracking times and answering response time questions. Response times are now routinely produced for District crime meetings, budget hearings, etc.

A few partner agencies that have been particularly interested in PGPD response times are the Maryland National Capital Park & Planning Commission's Countywide Planning Board, the County Office of Audits and Investigations, and the Office of Management and Budget. Their concern is based on enacted legislation contained within the County Code. Section 24-122 (Adequacy of public facilities) is over ten years old and in summary it states that when a subdivision case goes before the Planning Board, Police response times must be presented to show conformance with the Subdivision Ordinance of the County Code. Section 24-122.01 further delineates the threshold for response times, stating "A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response

times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service."

In the majority of instances these monthly averages do not pose any issues for most of our Police Districts. Unfortunately, we have noticed that two Districts, District V and VII routinely have average response times greater than the allotted maximums. Each month JAIC produces a current month versus previous month comparison sheet. That sheet depicts the average total response time, as well as the averages for priority and non-priority calls for service. In addition, it provides any changes (depicted in red for increase and green for decrease) and highlights (in yellow) anything over the allotted maximum time.

<u> </u>	Time +/-	July	June	Time +/-	June	May
Countywide All	0:12	11:50	12:02	0:12	12:02	12:14
Non-Priority	0:06	12:41	12:47	0:18	12:47	13:05
Priority	0:33	8:55	9:28	0:10	9:28	
District I All	0:21	10:21	10:42	0:54	10:42	9:18
Non-Priority	0:07	11:21	11:28	1:03		11:36
Priority	0:44	7:19	8:03	0:26	11:28 8:03	12:31
District II All	0:11	12:29	12:18	0:35		8:29
Non-Priority	0:56	13:11	12:55	0:35	12:18	12:53
Priority	0:15	9:53	10:08	0:48	12:55	13:43
District III All	0:02	10:58	11:00	0:01	10:08	9:55
Non-Priority	0:13	11:36	11:49	0:01	11:00	10:59
Priority	0:41	8:18	7:37	0:03	11:49	11:44
District IV All	0:03	11:35	11:38		7:37	7:58
Non-Priority	0:16	12:40	12:24	0:02	11:38	11:36
Priority	0:59	8:28	9:27	0:09	12:24	12:33
District V All	1:18			0:39	9:27	8:48
Non-Priority	1:22	15:02 15:49	16:20	0:35	16:20	16:55
Priority	1:18	12:13	17:11	0:36	17:11	17:47
Dîstrict VI All			13:31	0:15	13:31	13:46
Non-Priority	0:10	11:36	11:46	0:55	11:46	10:51
Priority	0:05	12:25	12:30	0:53	12:30	11:37
	0:02	8:55	8:57	0:24	8:57	8:33
District VII AII	1:02	14:32	15:34	1:18	15:34	14:16
Non-Priority	1:28	15:04	16:32	1:26	16:32	15:06
Priority	0:08	12:51	12:43	1:03	12:43	11:40

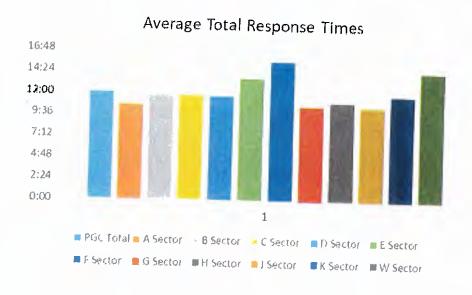
In an effort to further analyze the data I conducted a more detailed examination. To provide a larger data set the source data utilized was modified from January through July 2019 to instead focus on July 2018 through June 2019. The reason for this larger time is that it factors in things like weather conditions, which can negatively effect response times. Also, rather than focus on Police Districts I subdivided all of the data and analyzed times based on Police Sectors, presuming smaller areas may show more accurate times. The final issue examined was staffing levels within the various Districts and

correlations between the estimated personnel complement, total numbers of calls for service and geographical land area.

In order to stabilize the dataset a decision was made to focus on officer response time, which was calculated by determining the time lapse between the time an officer was dispatched to a location and the time they arrived on scene. If either of those times were unknown that call record was removed from the dataset. A total of 192,994 calls for service had all of the necessary data elements are were used to determine the following information.

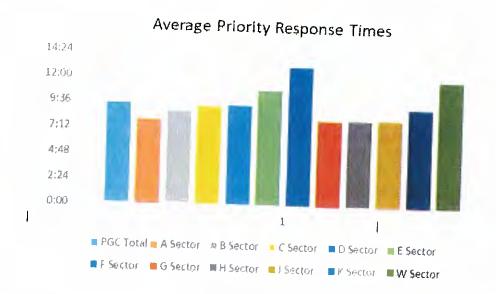
Average **Total Response Times** are defined as the total of all calls for service and were determined to be as shown below.

PGC	A	B	C	D	E	F	G	H	J	K	W
Total	Sect										
12:02	10:40	11:42	11:46	11:39	13:40	15:37	10:38	11:04	10:34	Sect 11:54	Sect 14:32



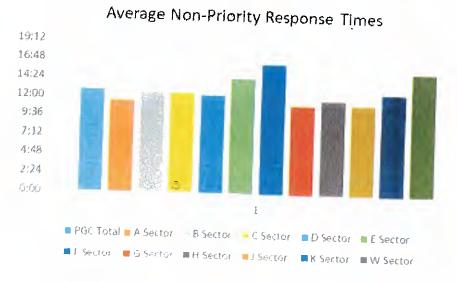
Average **Priority Response Times** are defined as calls for service with an associated response classification of 0 or 1, necessitating an immediate action and were determined to be as shown below.

PGC Total 9:27	A Sect - 7:59	B Sect 8:49	C Sect 9:17	D Sect 9:24	E Sect 10:52	F Sect 13:07	G Sect 8:10	H Sect 8:10	J Sect	K Sect	W Sect
				7.27	10.52	13:07	8:10	8:10	8:16	9:23	11:59



Average Non-Priority Response Times are defined as calls for service with an associated response classification of greater than 1, indicating permissible action to hold the call for a short time and were determined to be as shown below.

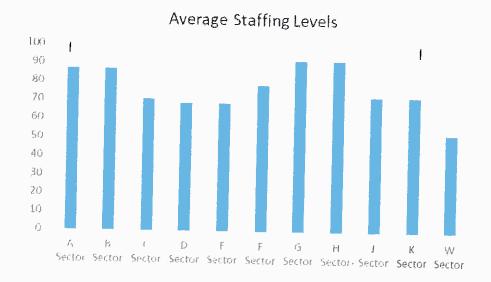
PGC A B C D E F G H Total Sect Sect Sect Sect Sect Sect Sect 12:51 11:30 12:32 12:34 12:20 14:30 16:23 11:15 11:53	J	K	W
	Sect	Sect	Sect
	11:24	12;49	15:27



In all of the above analyses, F Sector consistently had the longest response times, followed by W Sector and E Sector.

It is worth noting that along with environmental factors, such as weather conditions and road construction, two factors also having an impact are staffing levels and the geographical size of the service area or Sector. An examination of the average personnel complement within each of the Sectors reveals the following:

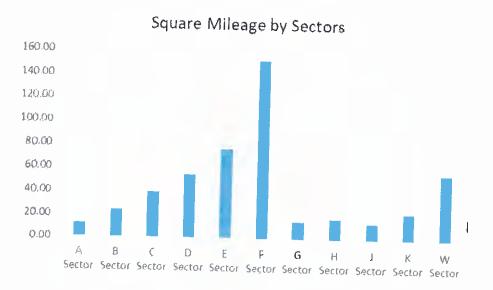
Г											
		В	C	D_	E	F	Ğ	Н	7	v	137
L	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	K	
ſ	87	87	71						Sect	Sect	Sect
Ţ	07	0/	71	<u> </u>	69	79	92	92	73	73	53
										, , _	ا دب



It should be noted the personnel numbers are in no way exact. Districts commonly report total staffing levels on a monthly basis and in no cases are those separated out to a Sector level. Districts with two Sectors were simply divided evenly in half. Staffing levels are included to demonstrate that while some areas, like B Sector, have more personnel and lower response times other areas, like J Sector, have fewer personnel and have lower response times than areas like B Sector. This seems to prove the point that staffing levels alone are not an indicator of response times.

A final part that was examined focused on possible distances that must be travelled in order to arrive at locations. An analysis was done based upon each Sector's geographical information system (GIS) shapefile. Using GIS data, the total square mileage was calculated and are as follows:

				,						
J A	В	C	D	E	F	G	Н	Ţ	V	W
Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	C4	
12.06	23 94	39.37	54.35						Sect	Sect
22.00	22.74	37.31	34.33	76.49	151.70	15.30	18.04	13.98	23.33	56.74



Traveling distance may provide the most accurate correlating evidence when seeking to address response times. The above data clearly shows that officers working in F Sector routinely drive much further than officers working in other Sectors, thus meaning a longer time to arrive after being dispatched. It is also worth noting that the next two largest areas, W and E Sectors, also have the second and third longest response times in all three previously mentioned categories.

In conclusion two prevailing points surface. The first is that in order to decrease response times the largest single factor, after adding more officers to the areas, is to locate the officers centrally within their respective Sectors and/or creating smaller Sectors so they are "closer to the calls". The second is that County Code Section 24-122 is antiquated and should be updated with a more accurate gauge of response times, possibly broken down by Sector as opposed to Countywide.

County Code:

County Code. Section 24-122 (Adequacy of public facilities) is over ten years old and in summary it states that when a subdivision case goes before the Planning Board, Police response times must be presented to show conformance with the Subdivision Ordinance of the County Code.

Section 24-122.01 further delineates the threshold for response times, stating "A statement by the Police Chief that the rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision is a maximum of twenty-five (25) minutes total for non-emergency calls and a maximum of ten (10) minutes total for emergency calls for service."

Response Times:

Average **Priority Response Times** are defined as calls for service with an associated response classification of 0 or 1, necessitating an immediate action and were determined to be as shown below. These times are the 12-month average from July 2018 through June 2019.

PGC	Λ_	В			T——						
		P	C	ט ן	E	F	G	Н		К	23.84
Total	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	ا آ	,	VV
9:27	7:59	8:49	0.17					Sect	Sect	Sect	Secu
5,2,	7.55	0.43	9:17	9:24	10:52	13:07	8:10	8:10	8:16	9:23	1
										J,2J	1 1 3 9

Average **Non-Priority Response Times** are defined as calls for service with an associated response classification of greater than 1, indicating permissible action to hold the call for a short time and were determined to be as shown below. These times are the 12-month average from July 2018 through June 2019.

PGC	Λ_	В									
	1 ^	P	١	ט	E	F	G	! н	T -	K	W
Total	٠ .		_							1 "	VV
	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	Sect	So-t	6 - 1
	<u> </u>										Sect
12:51	11:30	12:32	12:34	12:20	14.20	16.72	11 15	44.50			
			,,,	12.20	14,50	10:23	11:12	11:53	11:24	12:49	15:27

An analysis was done based upon each Sector's geographical information system (GIS) shapefile. Using GIS data, the total square mileage was calculated and are as follows:

A	В	С	D	E	F	G	Н	J	K	W
				1	Sect		l		1	
12.06	23.94	39.37	54.35	76.49	151.70	15.30	18.04	13.98	23.33	56.74

Results:

- 1. All sectors pass the required response time test for non-priority calls for police service.
- 2. Three of the eleven sectors fail the response time test. Two of the three failing sectors do not exceed the 20% threshold. In these two sectors, a per-dwelling fee can be paid to continue with development.
- 3. One of the eleven sectors fails the response time test by 30% and therefore cannot be mitigated.

Proposed Options:

- 1. Amend CB-56-2005 to allow for a longer priority response time or amend CB-50-2005 so that all applications can be mitigated.
- 2. Amend CB-56-2005 to provide a tiered response time threshold based on the geographical size of the police sector.
 - Sectors with 50 square miles or less will have a priority response threshold of 10 minutes. (Sectors A, B, C, G, H, J, K)
 - Sectors with between 50 and 75 square miles will have a priority response threshold of 11 minutes. (Sectors D, W)
 - Sectors with more than 75 square miles will have a priority response threshold of 12 minutes. (Sectors E, F)
 - All Sectors will be given a response time variance period of +/- 10% to account for environmental factors such as weather events and traffic conditions.
- 3. Amend CB-56-2005 to establish an acceptable priority response threshold specific to each sector, with response time variance period of +/- 10% to account for environmental factors such as weather events and traffic conditions.

Recommendations:

- 1. In the tiered system, the intent is to move to a long-term solution by reducing sector size. Funding the project to build the new District V station on land that was procured in 2015 would accomplish this. By completing this project, the boundaries of sectors E, F and W can be realigned to equally distribute geography and workload.
- 2. All further funds obtained through mitigation fees as established in C8-56-2005 should be placed into the budget specifically for the construction, renovation and modernization of Police Department facilities.

Prince George's County Police Department July 2019 Response Times Officer Response Time in Minutes (On-scene Time – Dispatch Time)

Countywide	Number of Calls	Response Time
All Calls	27,848*	6:21
Non-Priority Calls	23,889	6:04
Priority Calls	3,959	8:15

Adam Sector	Number of Calls	Response Time
All Calls	2,566	6:28
Non-Priority Calls	2,061	6:21
Priority Calls	505	6:56

Baker Sector	Number of Calls	Response Time
All Calls	2,760	5:46
Non-Priority Calls	2,386	5:34
Priority Calls	374	7:05

Charlie Sector	Number of Calls	Response Time
All Calls	2,008	6:58
Non-Priority Calls	1,685	6:39
Priority Calls	323	8:34

David Sector	Number of Calls	Response Time
All Calls	2,177	6:22
Non-Priority Calls	1,888	6.01
Priority Calls	289	8:35

Edward Sector	Number of Calls	Response Time
All Calls	2,644	7:06
Non-Priority Calls	2,294	6:39
Priority Calls	350	10:00
Due to CAD errors there is a differ	ence of 93 totals calls between Count	wwide and the Sectors

Frank Sector	Number of Calls	Response Time
All Calls	1,898	11:05
Non-Priority Calls	1,546	10:59
Priority Calls	352	11:33

George Sector	Number of Calls	Response Time
Ali Calis	2,825	5:06
Non-Priority Calls	2,530	4:52
Priority Calls	295	7:05

Henry Sector	Number of Calls	Response Time
All Calls	4,290	5:04
Non-Priority Calls	3,873	4:54
Priority Calls	417	6:45

John Sector	Number of Calls	Response Time
All Calls	2,584	4:54
Non-Priority Calls	2,204	4:32
Priority Calls	380	7:01

King Sector	Number of Calls	Response Time
Ali Cails	2,632	7:09
Non-Priority Calls	2,147	6:53
Priority Calls	485	8:24

William Sector	Number of Calls	Response Time
All Calls	1,371	6:50
Non-Priority Calls	1,198	6:13
Priority Calls	173	11:03

Prince George's County Police Department August 2019 Response Times Officer Response Time in Minutes (On-scene Time – Dispatch Time)

Countywide	Number of Calls	Response Time
All Calls	27,289*	6:24
Non-Priority Calls	23,428	6:04
Priority Calls	3,861	8:23

Adam Sector	Number of Calls	Response Time
All Calls	2,619	6.00
Non-Priority Calls	2,152	5:47
Priority Calls	467	6:56

Baker Sector	Number of Calls	Response Time
All Calls	2,930	6:03
Non-Priority Calls	2,554	5.42
Priority Calls	376	8:23

Charlie Sector	Number of Calls	Response Time
All Calls	2,027	6:51
Non-Priority Calls	1,725	6:25
Priority Calls	302	9:22

David Sector	Number of Calls	Response Time
All Calls	1,946	6:46
Non-Priority Calls	1,687	6:20
Priority Calls	259	9:29

Non-Priority Calls 1,687 Priority Calls 259	6:46
Priority Calls	
Priority Calls 259	6:20
233	9:29
Edward Sector Number of Calls	
————— Respo	onse Time
All Calls 2,561	7:14
Non-Priority Calls 2,199	6:55
Priority Calls	0.10

Frank Sector	Number of Calls	Response Time
All Calls	2,150	10:02
Non-Priority Calls	1,783	9:46
Priority Calls	367	11:15

George Sector	Number of Calls	Response Time
All Calls	2,476	5:38
Non-Priority Calls	2,179	5:25
Priority Calls	297	7:07

Henry Sector	Number of Calls	Response Time
All Calls	3,782	5:47
Non-Priority Calls	3,336	5:35
Priority Calls	446	7:13

John Sector	Number of Calls	Response Time
All Calls	2,736	4:33
Non-Priority Calls	2,357	4:11
Priority Calls	379	6:53

King Sector	Number of Calls	Response Time
All Calls	2,696	6:25
Non-Priority Calls	2,239	6:05
Priority Calls	457	8:03

William Sector	Number of Calls	Response Time
All Calls	1,265	6:18
Non-Priority Calls	1,130	5:42
Priority Calls	135	11 22

Prince George's County Police Department September 2019 Response Times Officer Response Time in Minutes (On-scene Time – Dispatch Time)

Countywide	Number of Calls	Response Time
All Calls	26,721*	6.41
Non-Priority Calls	23,008	6:21
Priority Calls	3,713	8:45

Adam Sector	Number of Calls	Response Time
All Calls	2,403	6:56
Non-Priority Calls	1,948	6:45
Priority Calls	455	7:42

Number of Calls	Response Time
2,911	6:58
2,516	6:37
395	9:06
	2,911 2,516

Charlie Sector	Number of Calls	Response Time
All Calls	2,214	6:11
Non-Priority Calls	1,924	5:44
Priority Calls	290	9:07

David Sector	Number of Calls	Response Time
All Calls	1,781	7:02
Non-Priority Calls	1,516	6:51
Priority Calls	265	8:09

Edward Sector	Number of Calls	Response Time
Edward Sector All Calls	2,571	7:14
Non-Priority Calls	2,217	6:45
Priority Calls	354	10:15

Frank Sector	Number of Calls	Response Time
Ali Calls	2,121	9:53
Non-Priority Calls	1,815	9:37
Priority Calls	306	11:34

George Sector	Number of Calls	Response Time
All Calls	2,415	5:44
Non-Priority Calls	2,167	5:29
Priority Calls	248	7:55

Henry Sector	Number of Calls	Response Time
All Calls	3,467	6:08
Non-Priority Calls	3,038	6:00
Priority Calls	429	7:03

John Sector	Number of Calls	Response Time
All Calls	2,741	4:34
Non-Priority Calls	2,366	4:11
Priority Calls	375	6:56

King Sector	Number of Calls	Response Time
All Calls	2,839	6:42
Non-Priority Calls	2,397	6:12
Priority Calls	442	9:23

William Sector	Number of Calls	Response Time
All Calls	1,252	7:22
Non-Priority Calls	1,099	6:53
Priority Calls	153	10:54

*Due to CAD errors there is a difference of 6 totals calls between Countywide and the Sectors.

284
97
300

Prince George's County Police Department October 2019 Response Times Without Page 1970 - Prince Pri

Officer Response Time in Minutes (On-scene Time – Dispatch Time)

Countywide	Number of Calls	Response Time
All Calls	27,419*	6:45
Non-Priority Calls	23,401	6:25
Priority Calls	4,018	8:43

Adam Sector	Number of Calls	Response Time
All Calls	2,370	7:21
Non-Priority Calls	1,855	7:19
Priority Calls	515	7:30

Baker Sector	Number of Calls	Response Time
All Calls	2,758	6:58
Non-Priority Calls	2,355	6:49
Priority Calls	403	7:53

Charlie Sector	- Number of Calls	Response Time
All Cails	2,170	6:51
Non-Priority Calls	1,861	6:31
Priority Calls	309	8:51

David Sector	Number of Cails	Response Time
All Calls	2,253	6:34
Non-Priority Calls	1,966	6:20
Priority Calls	287	8:09

Edward Sector	Number of Calls	Response Time
All Calls	2,298	8:15
Non-Priority Calls	1,927	7:50
Priority Calls	371	10:25

Frank Sector	Number of Calls	Response Time
All Calls	2,190	9:56
Non-Priority Calls	1,851	9:29
Priority Calls	339	12:19

George Sector	Number of Calls	Response Time
All Calls	2,471	5:41
Non-Priority Calls	2,178	5:30
Priority Calls	293	7:03

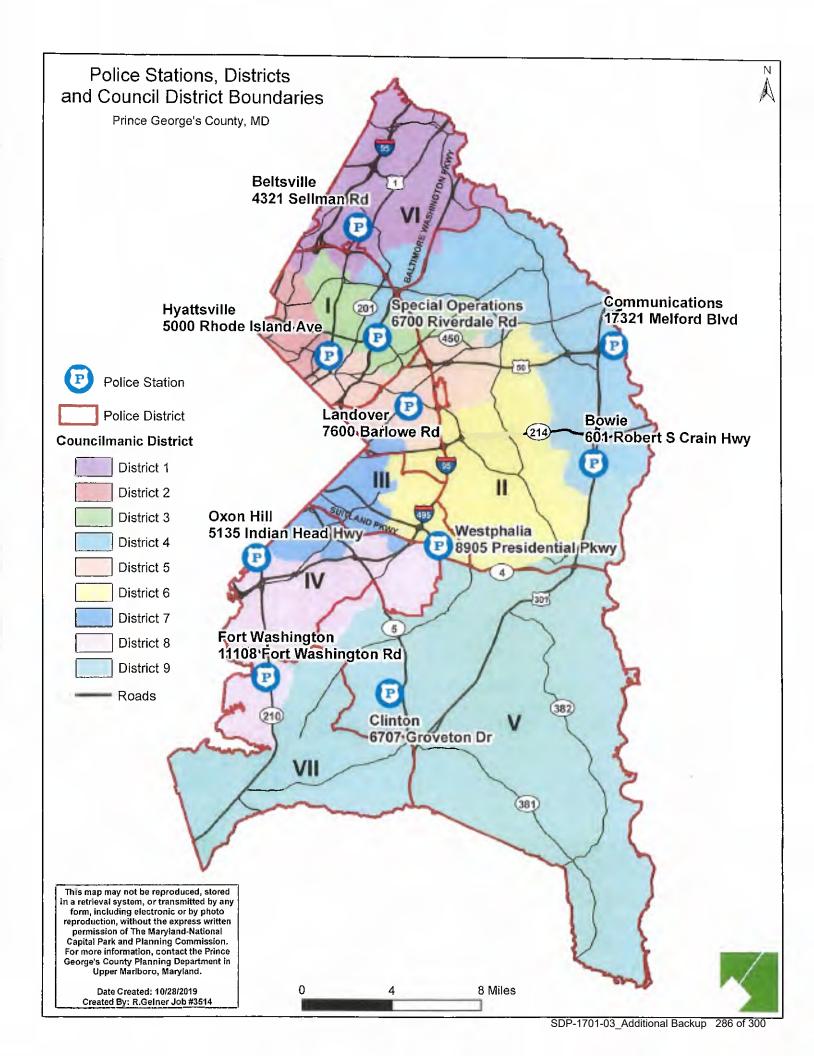
Henry Sector	Number of Calls	Response Time
All Calls	3,675	6:02
Non-Priority Calls	3,217	5:46
Priority Calls	458	8:00

John Sector	Number of Calls	Response Time
All Calls	2,769	4:31
Non-Priority Calls	2,386	4:06
Priority Calls	383	7:08

King Sector	Number of Calls	Response Time
All Calls	2,985	6:36
Non-Priority Calls	2,499	6:09
Priority Calls	486	8:58

William Sector	Number of Calls	Response Time
All Calls	1,321	6:44
Non-Priority Calls	1,166	6:01
Priority Calls	155	12:07

ਨੂੰ ©*Due to CAD errors there is a difference of 159 totals calls between Countywide and the Sectors.



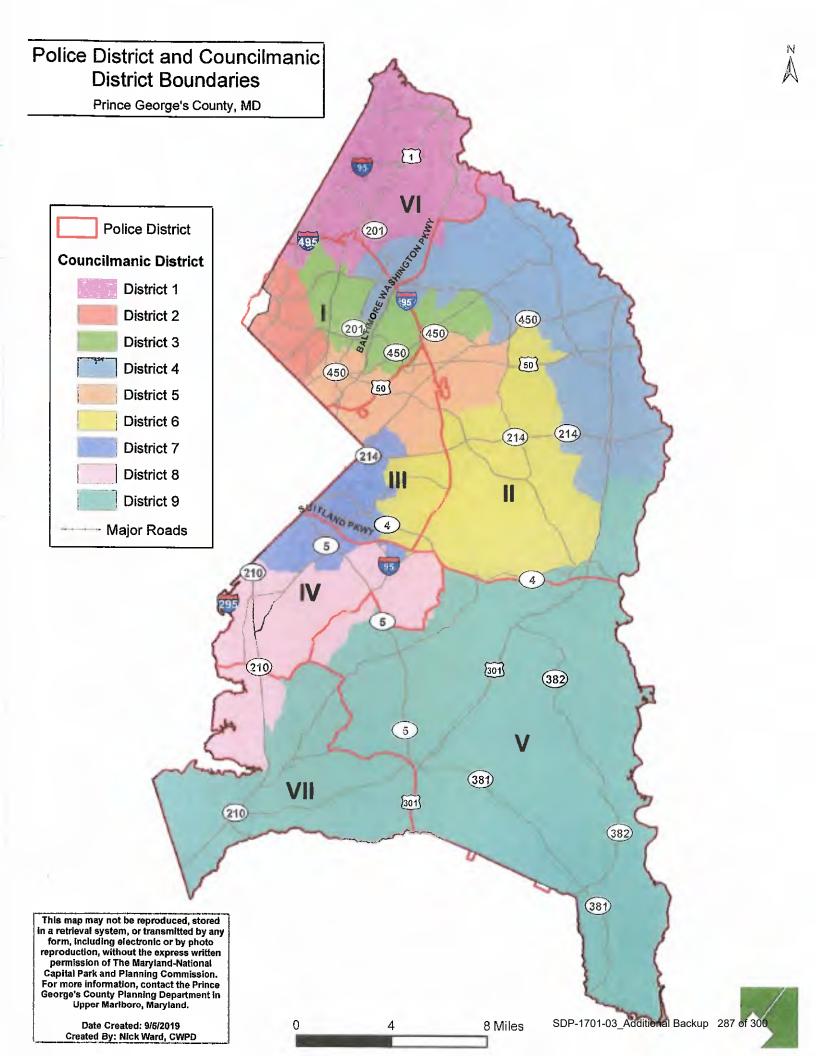


Exhibit 14

Letter from Stan Brown, Esq, People's Zoning Counsel (Dated June 8, 2020)



Stan Brown, Esq.

Stan Derwin Brown Law Office, LLC
1300 Caraway Court, Suite 101 • Largo, Maryland 20774-5462
Telephone: 301.883.8888 • Fax: 301.883.8606
Website: StanBrown.law & CrimeVictim.law
E-mail: attorney@StanBrown.net

Licensed in Maryland & Washington, D.C.

June 8, 2020

Matthew C. Tedesco, Esq. McNamee Hosea 6411 lvy Lane, Suite 200 Greenbelt, Maryland 20770

Re: Timothy Branch, SDP-1701-03 and SDP-1701-04

You have requested that I review the two above-noted Specific Design Plan (SDP) applications, files and Technical Staff Reports in my capacity as People's Zoning Counsel as authorized by Zoning Ordinance section 27-139.02. The two noted SDPs may be appealed to the District Council so I have reviewed the SDPs to provide "technical assistance and education to the public," I am not acting and cannot act as a personal attorney for any party.

The police response time test provided in Subdivision Ordinance Section 24-122.01(e)(1)(D) requires the Police Chief to provide the "rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision." I opine that there is absolutely no authority in the Zoning Ordinance, Subtitle 27, let alone in Section 27-528(a)(2), that requires the Police Chief to send response times in the vicinity of the property proposed for a Specific Design Plan. Consequently, there is no authority granted to the Planning Board in reviewing an application for a Specific Design Plan to utilize police response times since the reporting of that data is strictly limited to property proposed for subdivision (i.e., property that is the subject of a Preliminary Plan of Subdivision).

Moreover, the Subdivision Ordinance, Section 24-122.01(e)(2) authorizes the Planning Board to deny a Preliminary Plan of Subdivision if the required statement by the Police Chief regarding response times (required by Subdivision Ordinance Section 24-122.01(e)(1)(D)) fails to meet the criteria unless a mitigation plan/agreement is entered into by the applicant and the County. Specifically, that section unambiguously provides:

"If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board."

The mitigation that may be imposed to address a failing police response time test is limited to the Planning Board's review and approval of Preliminary Plans of Subdivision only. There is absolutely no authorizing language in Subdivision Ordinance Section 24-122.01(e)(2) that allows the Planning Board to impose a mitigation agreement for the police response times at the time of Specific Design Plan (or any other application under the Zoning Ordinance, Subtitle 27, for that matter). Staff's recommendations to impose mitigation in SDP-1701-03 and SDP-1701-04 are contrary to law and may subject the Planning Board decision to an appeal based on an error of law.

The plain language of Subdivision Ordinance Section 24-122.01(e)(2) makes it unambiguous that the police response time test can only be conducted "on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles," and if the test fails, the "Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board." Further, the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure," defines "Subdivision" as a "preliminary plan of subdivision;" and requires the "Mitigation Plan" to "be made a part of the application and record for the preliminary plan[,]" and be "filed with the Planning Board to allow for the approval of the applicant's preliminary plan" Thus, Subdivision Ordinance Section 24-122.01(e)(2) and the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure indicate that the applicability of the police response time test is limited to an "application" for a "preliminary plan of subdivision" only.

Despite this, on page 13 of the Technical Staff Report for SDP-1701-03 and on page 11 of the Technical Staff Report for SDP-1701-04, Staff's recommended finding for Section 27-528(a)(2) incorrectly relies upon the acceptance date of SDP-1701-03 and SDP-1701-04, respectively, to trigger the police response time test in this pending matter. Specifically, Staff states:

"The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the

following May cycle, and passed the 25 minutes for non-priority calls." (TSR at p. 13 for SDP-1701-03 and TSR at p. 11 for SDP-1701-04).

I opine that the Technical Staff's conclusion is erroneous and contrary to law. Staff's utilization of the police response time test at the time of SDP application is improper as no provision of law allows for the triggering of the police response time test at the time of acceptance of a Specific Design Plan application. Thus, any Planning Board decision or resolution based on the erroneous application of the police response time test referenced in Zoning Ordinance Section 27-528 may subject such administrative action to an appeal based on illegality or error of law.

Sincerely,

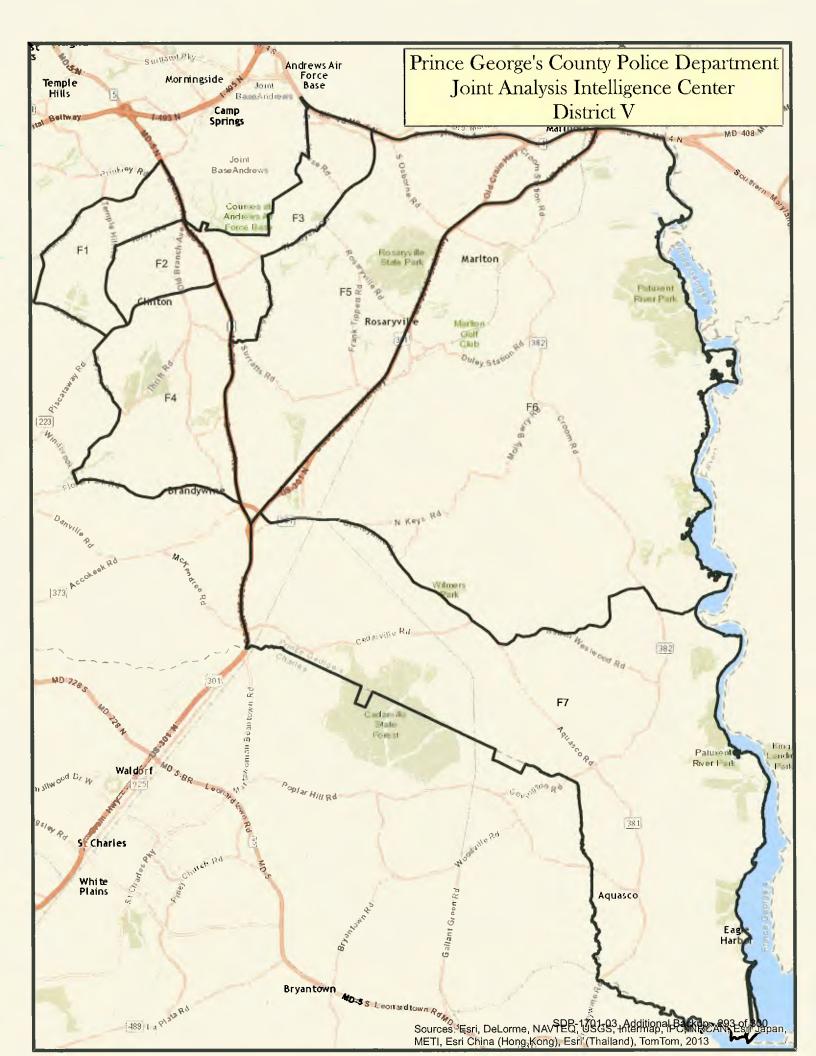
Stan Brown

People's Zoning Counsel

E-mail: attorney@StanBrown.net

Page 3 of 3

Exhibit 15 Map of Police District V





Stan Brown, Esq.

Stan Derwin Brown Law Office, LLC
1300 Caraway Court, Suite 101 • Largo, Maryland 20774-5462
Telephone: 301.883.8888 • Fax: 301.883.8606
Website: StanBrown.law & CrimeVictim.law
E-mail: attorney@StanBrown.net
Licensed in Maryland & Washington, D.C.

June 8, 2020

Matthew C. Tedesco, Esq. McNamee Hosea 6411 Ivy Lane, Suite 200 Greenbelt, Maryland 20770

Re: Timothy Branch, SDP-1701-03 and SDP-1701-04

You have requested that I review the two above-noted Specific Design Plan (SDP) applications, files and Technical Staff Reports in my capacity as People's Zoning Counsel as authorized by Zoning Ordinance section 27-139.02. The two noted SDPs may be appealed to the District Council so I have reviewed the SDPs to provide "technical assistance and education to the public," I am not acting and cannot act as a personal attorney for any party.

The police response time test provided in Subdivision Ordinance Section 24-122.01(e)(1)(D) requires the Police Chief to provide the "rolling twelve-month average, adjusted monthly, for response times in the vicinity of the property proposed for subdivision." I opine that there is absolutely no authority in the Zoning Ordinance, Subtitle 27, let alone in Section 27-528(a)(2), that requires the Police Chief to send response times in the vicinity of the property proposed for a Specific Design Plan. Consequently, there is no authority granted to the Planning Board in reviewing an application for a Specific Design Plan to utilize police response times since the reporting of that data is strictly limited to property proposed for subdivision (i.e., property that is the subject of a Preliminary Plan of Subdivision).

Moreover, the Subdivision Ordinance, Section 24-122.01(e)(2) authorizes the Planning Board to deny a Preliminary Plan of Subdivision if the required statement by the Police Chief regarding response times (required by Subdivision Ordinance Section 24-122.01(e)(1)(D)) fails to meet the criteria unless a mitigation plan/agreement is entered into by the applicant and the County. Specifically, that section unambiguously provides:

"If any of the required statements in this Subsection are not provided that meet the criteria specified in this Section on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles of response time reports, then the Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board."

The mitigation that may be imposed to address a failing police response time test is limited to the Planning Board's review and approval of Preliminary Plans of Subdivision only. There is absolutely no authorizing language in Subdivision Ordinance Section 24-122.01(e)(2) that allows the Planning Board to impose a mitigation agreement for the police response times at the time of Specific Design Plan (or any other application under the Zoning Ordinance, Subtitle 27, for that matter). Staff's recommendations to impose mitigation in SDP-1701-03 and SDP-1701-04 are contrary to law and may subject the Planning Board decision to an appeal based on an error of law.

The plain language of Subdivision Ordinance Section 24-122.01(e)(2) makes it unambiguous that the police response time test can only be conducted "on the date the application is accepted by the Planning Board or within the following three (3) monthly cycles," and if the test fails, the "Planning Board may not approve the preliminary plan until a mitigation plan between the applicant and the County is entered into and filed with the Planning Board." Further, the "Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure," defines "Subdivision" as a "preliminary plan of subdivision;" and requires the "Mitigation Plan" to "be made a part of the application and record for the preliminary plan[,]" and be "filed with the Planning Board to allow for the approval of the applicant's preliminary plan" Thus, Subdivision Ordinance Section 24-122.01(e)(2) and the Guidelines for the Mitigation of Adequate Public Facilities: Public Safety Infrastructure indicate that the applicability of the police response time test is limited to an "application" for a "preliminary plan of subdivision" only.

Despite this, on page 13 of the Technical Staff Report for SDP-1701-03 and on page 11 of the Technical Staff Report for SDP-1701-04, Staff's recommended finding for Section 27-528(a)(2) incorrectly relies upon the acceptance date of SDP-1701-03 and SDP-1701-04, respectively, to trigger the police response time test in this pending matter. Specifically, Staff states:

"The response time standards established by Section 24-122.01(e) of the Prince George's County Subdivision Regulations is 10 minutes for emergency calls (priority) and 25 minutes for non-emergency calls (non-priority). The test is applied on the date the application is accepted, or within the three monthly cycles following acceptance, pursuant to Section 24-122.01(e)(2). The specified criteria must be met in one of the four cycles or mitigation will be required. The times are based on a rolling average for the preceding 12 months. The SDP was accepted for processing by the Planning Department on April 6, 2020. The response time standards of 10 minutes for priority calls failed at acceptance, and the

E-mail: attorney@StanBrown.net

following May cycle, and passed the 25 minutes for non-priority calls." (TSR at p. 13 for SDP-1701-03 and TSR at p. 11 for SDP-1701-04).

I opine that the Technical Staff's conclusion is erroneous and contrary to law. Staff's utilization of the police response time test at the time of SDP application is improper as no provision of law allows for the triggering of the police response time test at the time of acceptance of a Specific Design Plan application. Thus, any Planning Board decision or resolution based on the erroneous application of the police response time test referenced in Zoning Ordinance Section 27-528 may subject such administrative action to an appeal based on illegality or error of law.

Sincerely,

Stan Brown

People's Zoning Counsel



BRANDYWINE-NORTH KEYS CIVIC ASSOCIATION, INC.

Post Office Box 321 Brandywine, Maryland 20613 Earl Mitchell, President Akexander Faison, Vice President Diane Johnson, Secretary Jean E. Mitchell, Treasurer

June 6, 2020

The Honorable Elizabeth Hewlett, Chairwoman
The Maryland National Capital Park & Planning Commission
Development Review Division
14741 Governor Oden Bowie Drive
County Administration Building, 4th Floor
Upper Marlboro, Maryland 20772

RE: Timothy Branch SDP 1701-03

Dear Chairwoman Hewlett:

This letter is to reaffirm the Brandywine North Keys Civic Association's support of the Timothy Branch development, including the Phase Two Residential Site Design Plan SDP 1701-03. The Association is familiar with the site plan as a result of a previous presentation provided by Mr. Michael Gardiner. We appreciate Mr. Gardiner's efforts to keep our Association and the local community informed on the status of the development as it proceed from Phase One to Phase Two. It is the Association's understanding that the Phase Two Residential Site Design will not impact building the Spine Road connecting 381 Brandywine Road to the Brandywine Crossing Shopping Center. The Spine Road is desired by residents because it will provide the community with an alternate route to the Center without having to travel in the heavy traffic on U.S. 301, Crain Highway. Many of our senior citizens as well as others often feel uncomfortable and afraid for their safety when driving on this highway.

Therefore, the Brandywine North Keys Civic Association is asking that the National Capital Park & Planning Commission approve the Phase Two Residential Site Design Plan SDP-1701-03 application and let the records reflect the Association's continuing support of the Timothy Branch development.

Respectively,

Earl M. M it chall
Earl M. Mitchell, President

Brandywine North Keys Civic Association



McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.

Matthew C. Tedesco, Esquire Admitted in Maryland

E-mail: MTedesco@mhlawyers.com Direct Dial: Extension 222

December 9, 2011

Via First Class Mail
Alan Hirsch
Division Chief, Development Review Division
Maryland-National Capital Park &
Planning Commission
14741 Gov. Oden Bowie Drive
Upper Marlboro, Maryland 20772

M-NCPPC

P.G, PLANNING DEPARTMENT

DEC 9 2011

DEVELOPMENT REVIEW DIVISION

Re.: The Villages at Timothy Branch

Dear Alan:

I am writing on behalf of Timothy Brandywine Investments One, LLC and Timothy Brandywine Investments Two, LLC, who are the owners and applicants for the development known as The Villages at Timothy Branch, which is a proposed mixed use development located on County Tax Map 145, Grid B4 in Brandywine, Maryland. As you know, the current development proposal of mixed uses was originally initiated in 2006. On June 16, 2008, the subject property was rezoned to the R-M and L-A-C Zones through District Council approval of Zoning Map Amendments A-9987-C and A-9988-C, respectively. Commensurate with the comprehensive design zones, on October 7, 2010, the Planning Board approved Comprehensive Design Plan CDP-0901 for the development of the L-A-C zoned portion of the site and Comprehensive Design Plan CDP-0902 for the R-M zoned portion of the site. Both comprehensive design plan applications were reviewed by the District Council on November 14, 2011, and to date, a final decision has not yet been released. Nevertheless, on October 28, 2010, the Planning Board approved Preliminary Plan of Subdivision 4-09003 and adopted Resolution PGCPB No. 10-117 on December 2, 2010.

The Planning Board's approval of Preliminary Plan 4-09003 became final on or around January 2, 2011. Accordingly, the Planning Board's findings and conclusions, as they relate to transportation adequacy, are indisputable. These findings and conclusions include, among other things, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this development. More specifically, the Planning Board concluded that with the construction of certain road improvements within the study area, as proffered by the applicant, and the participation in the Brandywine Road Club, adequate transportation facilities that satisfy the requirements of Section 24-124 of the Prince George's County Code exist and have been met.

Alan Hirsch December 9, 2011 Page Two

This is true, despite the County Council's adoption of CR-33-2011 on July 12, 2011, which immediately suspended the use of the Brandywine Road Club "for any applicant as a means of satisfying the requirements of Section 24-124 of the Prince George's." Again, the requirements of Section 24-124 (i.e. adequate transportation facilities) were met on October 28, 2010, some nine (9) months prior to the adoption of CR-33-2011. Given the specific and prospective language of CR-33-2011 and that all transportation facility requirements under Section 24-124 were met on October 28, 2010, The Villages at Timothy Branch is permitted to use the Brandywine Road Club.

Consequently, the adoption of CR-33-2011 will not have any impact on the required findings and conclusions needed to approve the comprehensive design plans or any future specific design plans. That is, Technical Staff and the Planning Board, in making any findings required under Sections 27-521(a)(7) and 27-528(a)(2) of the Zoning Ordinance are not precluded from relying upon, among other things, any of the public facility findings and conclusions made in Preliminary Plan 4-09003. It is this determination that we seek to obtain your acknowledgement/concurrence.

If you agree with the foregoing, specifically that the suspension of the Brandywine Road Club does not impact Preliminary Plan 4-09003 and cannot be used as a basis to deny the comprehensive design plans and/or any future specific design plans, please sign where indicated below and return it to us.

As always, thank you in advance for your courtesy in this matter; please do not hesitate to contact me if you should have any questions.

Sincerely,

12 - 13 - 11

Matthew C. Tedesco

SEEN AND AGREED TO:

Name: Alan Hirsch Title: Division Chief

Development Review Division

M-NCPPC

cc: Michael Gardiner

Hirsch, Alan

From:

Hirsch, Alan

Sent:

Tuesday, December 06, 2011 2:14 PM Karen T. Zavakos (ktzavakos@co.pg.md.us)

To: Subject:

Use of the Brandywine Road Club

I have been contacted by a property owner who received approval of a preliminary plan of subdivision that relied upon the use of the Brandywine Road Club as a means of finding transportation adequacy. That preliminary plan approval occurred in 2010.

In 2011, the District Council approved CR-33-2011. As part of discussions leading up to the adoption of that Council resolution, I raised a concern about the certainty for projects that had relied upon the use of the road club, not being stopped in future development applications. My recollection of your response was that you noted that the specific language in the resolution ("...the Brandywine Road Club is hereby immediately suspended for any applicant as a means of satisfying the requirements of Section 24-124 of the Prince George's County Code.") was prospective in nature and that if an applicant had already obtained a preliminary plan approval, the area of land subject to that preliminary plan would not be stopped at a later date because of CR-33-2011.

The applicant's attorney for the project noted above has asked that I provide in writing some element of certainty to that position. They want to assure lending institutions that with regard to future plan approvals within the area of the approved preliminary plan, those plans will not be denied based on CR-33-2011.

Unless you object to the interpretation of the application of CB-33-2011 as noted above, I will provide the attorney with the written confirmation he has requested.