

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

**ZONING MAP AMENDMENT**

**A-10060**

**DECISION**

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

**NATURE OF REQUEST**

- (1) A-10060 is a request for the rezoning of approximately 289.36 acres of R-E (Residential Estates) and R-R (Rural Residential) zoned land to the R-S (Residential Suburban Development) or LCD (Legacy Comprehensive Design) Zone. <sup>2</sup> The subject property is located on the north side of Accokeek Road and the south side of Floral Park Road, approximately one mile west of the Branch Avenue (MD 5)/Brandywine Road/Accoek Road intersection.
- (2) The Technical Staff recommended that the Application be approved without conditions. (Exhibit 14) The Planning Board made the same recommendation. (Exhibit 2)
- (3) Mr. Calhoun resides near the subject property and appeared in order to learn more about the Application. Since he is not an expert in the County's Zoning Ordinance I have listed him in opposition to the request. (T.94-95)
- (4) Shortly after the close of the hearing the Application was tolled pending final District Council action on the Countywide Map Amendment ("CMA"). On November 29, 2021, the District Council adopted CR-136-2021, thereby approving the CMA, with an effective date of April 1, 2022. On December 20, 2021, Applicant submitted a written request that the consideration of its Application proceed as amended to request a rezoning to the LCD ("Legacy Comprehensive Design") Zone, and revised its Basic Plan

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

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

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

## FINDINGS OF FACT

### Subject Property and Surrounding Uses

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

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

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

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

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

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

- West –South Springfield Road

### **Master Plan/Sectional Map Amendment**

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

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

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

(2013 Subregion 5 Master Plan, p. 33)

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

(7) The 2014 General Plan (“Plan 2035”) places the property within the Established Communities. Plan 2035 provides the following vision for Established Communities:

Established communities are most appropriate for context-sensitive infill and low-to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks and open spaces), and infrastructure in these areas (such as sidewalks) to ensure the needs of existing residents are met.

(Plan 2035, p. 20)

### **Applicant's Request**

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

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

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

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

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

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

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

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

(T. 23-24, 26)

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

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

Mr. Allison: It is not:

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

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

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

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

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

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

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

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

(T. 50-54)

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

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

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

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

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

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

(T. 63-67)

(16) Upon cross examination Mr. Lenhart clarified:

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

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

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

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

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

No commercial uses are proposed.

(Exhibit 3, pp. 30-31)

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

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

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

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

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



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

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

(T. 80-84)

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

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

(Exhibit 46)

## Opposition's Concerns

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

## Agency Comments

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

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

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

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

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

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

(Exhibit 14, Backup p. 130)

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

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

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

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

(Exhibit 14, Backup pp. 132-133)

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

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

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

(Exhibit 14, p. 19)

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

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

## APPLICABLE LAW

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

### **Sec. 27-195. Map Amendment approval.**

(a) **In general.**

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

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

\* \* \* \*

(b) **Criteria for approval.**

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

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

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

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

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

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

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

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

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

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

\* \* \* \*

**(c) Conditional approval.**

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

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

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

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

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

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

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

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

\* \* \* \*

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

**Sec. 27-511. Purposes.**

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

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):  
(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

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

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plans, and public urban renewal plans) can serve as the criteria for judging individual development proposals;
- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;
- (4) Encourage amenities and public facilities to be provided in conjunction with residential development;
- (5) Encourage and stimulate balanced land development; and
- (6) Improve the overall quality and variety of residential environments in the Regional District.

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

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

- (a) The Planning Board shall endorse the proposed CMA at a public meeting and issue a Resolution of endorsement, as appropriate, in accordance with applicable law.
- (b) The Board's Resolution and a copy of the endorsed CMA shall be transmitted to the District Council, the County Executive, and all municipalities and any governed special taxing districts in the County within ten (10) days of the date of adoption of the Resolution of endorsement by Planning Board.
- (c) Pending Zoning Map Amendment applications.
  - (1) Upon transmittal of the endorsed CMA to the District Council, the Planning Board and Zoning Hearing Examiner shall postpone accepting or processing any Zoning Map Amendment application within the area of the proposed CMA until after any final action by the District Council. As such, any applications pending before the District Council in the CMA area shall be remanded to and held in abeyance by the Zoning Hearing Examiner, unless the application includes a site plan that is grandfathered pursuant to the specified terms set forth within CB-013-2018, as approved by the District Council.
  - (2) Upon approval of the CMA by the District Council, all applicants who wish to proceed with a postponed application or an application remanded to the Zoning Hearing Examiner may notify the Planning Board or Zoning Hearing Examiner, as appropriate, regarding their intention as to whether to proceed with their Zoning Map Amendment application, and only to seek a zoning classification embodied within the approved replacement Zoning Ordinance. Such amended applications shall be processed in accordance with all procedures and requirements which normally apply to Zoning Map Amendment applications under this Zoning Ordinance. Failure of an applicant to amend their application or to notify the Planning Board or Zoning Hearing Examiner of their intent to proceed within thirty (30) days after the CMA is approved shall constitute a withdrawal of the application.
  - (3) Where a Zoning Map Amendment applicant elects to proceed with an application before the Zoning Hearing Examiner, the Examiner shall (by reference) introduce in the record and take administrative notice of the CMA. The Hearing Examiner shall hold additional hearings or otherwise ascertain the facts and issues raised or presented in the record of CMA proceedings.
- (4) In the event that the proposed CMA is disapproved by the District Council, the Planning Board and Zoning Hearing Examiner shall resume the processing of all postponed applications.

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

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

### **27-3601. Zoning Map Amendment (ZMA)**

#### **(b) Applicability**

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

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

### **27-4205. Other Base Zones**

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

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

#### **(c) Legacy Comprehensive Design (LCD) Zone**

##### **(1) Purpose**

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

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

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

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



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

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

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

**(4) Transition Upon Invalidation of Approved Plans**

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

## **CONCLUSIONS OF LAW**

- (1) The Application must be found to comply with the above referenced requirements of Section 27-195 and the purposes of the R-S Zone found in Section 27-511. Compliance with each provision of law will be addressed seriatim.
- (2) The request meets the criteria for approval found in Section 27-195(b)(1)(A) (i) of the Zoning Ordinance since it conforms to the specific recommendation of the 2013 Subregion 5 Master Plan's Future Land Use Map that designates property in the R-E, R-R and R-S Zones for Residential Low land use and defines these as *primarily* single family detached dwellings; the Master Plan mentions the approved preliminary plan for the Estates of Pleasant Valley which covers most of the stie and directed that much of the future residential development occur there; the Master Plan notes that the overall proposed density for Residential Low uses should fall within the range of 2.7-3.5 dwelling units per acre; and the request falls within that range there will be no development on portions of the site that are not located in the Future Water and Sewer Service Category or are not in Category 4; and the intent of the Environmental Infrastructure Section of the 2013 Master Plan is met since the 20% woodland conservation threshold shown on the Basic Plan would only be slightly lower than that which would be provided under existing zoning. (There is no requirement that the use also satisfy Sections 27-195 (b)(1)(A)(ii) or (iii))
- (3) Section 27-195(b)(1)(B) is inapplicable since no commercial uses are proposed.
- (4) The site may generate as many as 4,869 additional vehicular trips. Transportation facilities will be addressed again at subdivision, but Applicant has shown, and Staff

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

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

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

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

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

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

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

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

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

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

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

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

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

**RECOMMENDATION**

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

**DEVELOPMENT DATA TABLE**

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

**Parcel Identification Table**

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

\*Parcels have been added since previous application.

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

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

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

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

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