

STATEMENT OF JUSTIFICATION

PRELIMINARY SUBDIVISION PLAN 4-19017

BRANDYWINE COMMERCIAL CENTER

APPLICANT: GENERATION PROPERTIES, LLC

Edward C. Gibbs, Jr., Esquire Gibbs and Haller 1300 Caraway Court, Suite 102 Largo, Maryland 20774 (301) 306-0033 egibbs@gibbshaller.com Attorney for the Applicant

STATEMENT OF JUSTIFICATION IN SUPPORT OF PRELIMINARY SUBDIVISION PLAN, 4-19017

APPLICANT/OWNER

The Applicant for this Preliminary Subdivision Plan is Generation Properties, LLC, a Maryland limited liability company. The members of Generation Properties LLC have substantial experience in the development, construction and operation of industrial, commercial and residential properties in Prince George's County and other surrounding counties in Southern Maryland.

The owner of the property forming the subject matter of this Preliminary Subdivision Plan is the James R. Schraf Living Trust.

THE PROPERTY

The property forming the subject matter of this application consists of approximately 9.8± acres which is located on the east (northbound side of US 301, just south of the intersection of US 301 and Branch Avenue (MD 5) (the "Property"). The Property is presently unimproved and wooded. A copy of an aerial photograph depicting the Property is marked Exhibit "A" and attached hereto. The Property is currently zoned I-1 (Light Industrial). A copy of the Zoning Map is marked Exhibit "B" and attached hereto. The Property is outlined in red on Exhibit "B".

The Property is located within a rapidly developing area of Brandywine in southern Prince George's County. As can be seen from a review of the Zoning Map, properties to the north are also zoned I-1. Immediately north is an automotive salvage yard. Properties immediately northeast and south are zoned R-M (Residential Medium). Farther to the northeast is a property zoned E-I-A (Employment Institutional) and I-3 (Planned Industrial Park). To the west and across US 301 is property zoned R-R(Rural Residential) and further northwest, property which is zoned C-M (Commercial Miscellaneous). As noted, a review of the uses surrounding the Property reveals rapid development is occurring. To the north and northeast is the Brandywine Auto Parts property. Immediately east is vacant and undeveloped land and beyond that a large warehouse fronting on Mattawoman Drive. That building is the H.H. Gregg distribution center. On both sides of the warehouse and to the south is the Villages of Timothy Branch. That project is being developed in the R-M and L-A-C (Local Activity Center) Zones. The Villages of Timothy Branch is currently under development. The project has largely been graded and roads are being constructed. In particular, the extension of Mattawoman Drive is being constructed. That roadway will run in a north-south direction, generally parallel to US 301 and connect Brandywine Road and McKendree Road. Portions of the Villages of Timothy Branch have been platted. Ultimately, the Villages of Timothy Branch will include approximately 1,200 residential dwelling units and approximately 300,000 square feet of retail commercial uses. Farther to the south and also located on the east side of US 301 is the Brandywine Crossing Shopping Center which has largely been fully developed with a vast array

of retail commercial uses including food stores, retail stores and restaurants. To the west, and across US 301 to the northwest is the Lakeview subdivision which has largely been fully developed and constructed. Additional residential projects are currently under development and construction both to the southwest and northwest. To the northwest is the large Villages of Savannah residential development which will ultimately consist of 500 residential units. Presently, over 200 units have been developed and constructed.

As noted above, the Schraf Property is presently wooded and undeveloped. The Property is currently a deed parcel being described more particularly in a deed recorded among the Land Records of Prince George's County, Maryland in Liber 38661, Folio 298. Access to the Property is gained from a single existing curb cut onto northbound US 301/MD 5. Since the Property is undeveloped, there is no development history.

DEVELOPMENT PROPOSAL

Generation Properties proposes, through this Preliminary Subdivision Plan, to divide the single acreage parcel into four lots ranging in size from 1.67 acres to 3.28 acres. It is proposed that all lots will have frontage on US 301. Lots 2 and 3 will have frontage via 15 foot wide stems. It is further proposed that all four of the lots will have access to US 301 via a single driveway. This driveway will function as a private road/easement which the Applicant proposes to be approved pursuant to the provisions of Section 24-128(b)(9). Justification for the use of a private road/easement will be discussed infra.

CONFORMANCE WITH THE MASTER PLAN AND GENERAL PLAN

The Property is located within the area subject to the Adopted and Approved Subregion 5 Master Plan. Adoption and approval occurred pursuant to CR-80-2013 which was approved on July 24, 2013. The Future Land Use Map (Map IV(1)) found on page 31 of the text document, and attached as Exhibit "C", designates the Property for industrial development. Industrial development is noted on page 30 of the Master Plan text, a copy of which is marked Exhibit "D", to include employment and service uses. Therefore, the future land use recommendation is in conformance with the existing zoning. Further, under the text document discussion of Developing Tier policies, it is noted that industrial development is recommended in Brandywine east of MD 5, US 301 (see page 32, Master Plan text, a copy of which is marked Exhibit "E"). The property is included within the area designated as the Brandywine Community Center and surrounding area. A map depicting that area appears on page 51 of the Master Plan text document, and a copy is attached as Exhibit "F". There, it is recommended that the Property be developed with employment/light industrial uses. The development of the Property is in direct conformance with the recommendations of the Adopted and Approved Subregion 5 Master Plan.

CONFORMANCE WITH PRINCE GEORGE'S 2035 GENERAL PLAN

Subdivision and development of the Schraf Property with uses permitted in the I-1 Zone is also in conformance with the recommendations of the Prince George's 2035 General Plan. The Plan's Growth Policy Map, which is found on page 107 and attached as Exhibit "G", depicts the Brandywine area where the Schraf Property is located as a Local Center. Local Centers are intended to serve as focal points for development and to have access either by transit or major highways. They include medium to medium-high residential development along with nonresidential uses which will serve the community. Clearly, development in the I-1 Zone fits within the concept of a Local Center. Further, the General Future Land Use Map in the Plan, which is found on page 101, and attached hereto as Exhibit "H", recommends the Property for development with industrial/employment uses. Once again, the existing I-1 zoning classification conforms in general to the Future Land Use Map as set forth in Plan 2035. The Property is also within Tier 2 of the Sustainable Growth Act which supports development. Finally, it is also designated in the Established Communities Growth Area under the 2035 General Plan. Given the above, the applicant submits that this application is in conformance with the recommendations of the Prince George's 2035 General Plan.

CONFORMANCE WITH MARYLAND SMART GROWTH ACT

The Maryland SmartGrowth Act lists four goals for proper growth:

A) Support existing communities by targeting resources to support development in areas where infrastructure exists

The proposed subdivision, as noted above, fronts directly on US 301. US 301 is a major north/south thoroughfare. The US 301/MD 5 interchange is located directly north of the Property. By proceeding north on MD 5, access is gained to the Capital Beltway (I-495). Major improvements have been and will be made to US 301. In addition, Mattawoman Drive is a major roadway being constructed in a north/south direction east of the Property. It will run through the Villages of Timothy Branch and will connect with MD 381 (Brandywine Road) which runs in an east/west direction. While the Property is not intended to access onto Mattawoman Drive, that roadway, which will be completed with the construction of the Villages at Timothy Branch, can function much like a service road to relieve traffic on US 301/MD5.

B) Save our most valuable natural resources before they are lost forever

This subdivision proposal for the Schraf Property concentrates a development proposal on a relatively small parcel of land. It will be developed utilizing and implementing sound planning concepts and will help to preserve undeveloped land by limiting sprawl. In addition, there are no known natural resources located on the Schraf Property and therefore, development of the site will not prevent extraction of natural resources. Bioretention will be incorporated into SWM facilities. An NRI has been approved (NRI-193-2018).

C) Save taxpayers from the high cost of building infrastructure to serve development that has spread far from our traditional population centers:

As previously discussed, the Schraf Property will be developed immediately abutting US 301, a major north/south connector. In addition, the Schraf Property is in an area which is currently being developed with a mix of residential and commercial uses. Uses permitted in the I-1 Zone will serve a substantial need in the area given the burgeoning residential population. This Preliminary Subdivision Plan process will assure the adequacy of public facilities to serve the Schraf Property development. Substantial roadways already exist including US 301 and MD 5. In addition, as noted above, Mattawoman Drive is currently under construction as well.

D) Provide Marylanders with a high quality of life, whether they choose to live in a rural community, suburb, small town or city.

Subdivision of the Schraf Property will allow a development with light industrial uses which will provide needed services for area residents.

PRINCE GEORGE'S COUNTY 10-YEAR WATER AND SEWERAGE PLAN

The Schraf Property was advanced into Water and Sewer Category 4 pursuant to the adoption of CR-18-2019 by the Prince George's County Council on May 7, 2019. Therefore, the Property is legislatively confirmed for extension of public Water and Sewer. Since the Schraf Property is now in Water and Sewer Category 4, it is appropriate for a Preliminary Subdivision Plan to be considered and approved.

WOODLAND CONSERVATION ORDINANCE

A Tree Conservation Plan (TCP) is required for all land development proposals that are subject to Subtitle 25, unless exempted by Section 25-119. A TCP 1 has been prepared and will be reviewed concurrently with the review and approval of the instant Preliminary Subdivision Plan application. A copy of the TCP 1 has been filed with this application.

CONFORMANCE WITH APPLICABLE PROVISIONS OF SUBTITLE 24/SUBDIVISION ORDINANCE

Analysis of the applicable provisions of the Subdivision Ordinance follows:

Section 24-121 sets forth Planning and Design Requirements. Those Requirements are:

Sec. 24-121. - Planning and design requirements.

(a) The Planning Board shall require that proposed subdivisions conform to the following:

(1) All lots shall be designed to be located wholly within the County and platted in conformance with all of the requirements of the Zoning Ordinance applicable to the subject property.

All of the lots proposed on this plan are entirely located within Prince George's County and will also be platted in conformance with all of the requirements of the Zoning Ordinance, including specific requirements of the I-Zone.

(2) In cases where the proposed subdivision is situated in a portion of the Regional District not planned to be served by public water and/or sewerage facilities, proposed lots shall be designed to meet the minimum lot size requirements for individual systems, as contained in Subtitle 22 of this Code and in the Comprehensive Ten Year Water and Sewerage Plan.

This provision is inapplicable as the Property is in Water Category 4 and Sewer Category 4 with planned service. Water and sewer lines are located in U.S. 301 abutting the property.

(3) When lots are proposed on land adjacent to an existing or planned roadway or arterial or higher classification, they shall be designed to front on either an interior street or a service road. As used in this Section, a planned roadway or transit right-of-way shall mean a road or right-of-way shown in a currently approved State Highway plan, General Plan, or master plan. If a service road is used, it shall connect, where feasible, with a local interior collector street with the point of intersection located at least two hundred (200) feet away from the intersection of any roadway of collector or higher classification.

The Property fronts on US 301 which is a roadway of arterial or higher classification. Direct access to US 301 is proposed so a variation is included with this application.

(4) 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.

This provision is inapplicable to this subdivision as no residential lots are proposed.

(5) The preliminary plan and final plat shall conform to the area master plan, including maps and text, unless the Planning Board finds that events have

occurred to render the relevant plan recommendations no longer appropriate or the District Council has not imposed the recommended zoning. Notwithstanding any other requirement of this Section, a proposed preliminary plan or final plat of subdivision may be designed to conform with the land use policy recommendations for centers, as approved within the current County general plan, unless the District Council has not imposed the recommended zoning.

As discussed above, the development proposed by the applicant in this case is in conformance with the Prince George's County General Plan, Plan 2035, and with the Adopted and Approved Subregion 5 Master Plan.

(6) When indicated by a master plan or the General Plan or when requested by a public agency, land may be placed in reservation, pursuant to Division 7 of this Subtitle.

There are no recommendations in either the Master Plan or General Plan which would require reservation of any land area included in this Preliminary Subdivision Plan.

(7) Provision shall be made for the eventual ownership of outlots or residue parcels by incorporating them into platted lots or into adjacent parcels or by other means deemed acceptable by the Planning Board.

This provision is inapplicable as no residue parcels or outlots are proposed on the Plan.

(8) Corner lots shall be rounded with a radius of not less than twenty (20) feet or provided with an equivalent truncation.

This provision is inapplicable as no corner lots are proposed.

(9) Walkways, with rights-of-way not less than ten (10) feet wide, shall be provided through all blocks over seven hundred fifty (750) feet long, when deemed necessary by the Planning Board.

This provision is inapplicable.

(10) Generally, subdivisions shall be designed to avoid unnecessary and costly roads, utility extensions, grading, and energy consumption.

This subdivision will be designed so as to avoid unnecessary and costly roads or utility extensions. MD 301presently exists. Utilities exist either abutting or in close proximity to the

Schraf Property.

Significant natural features which are impossible or difficult to reproduce, such as waterways, streams, hills, wooded lands, and specimen trees, should be preserved to the degree practicable.

There are no regulated environmental features located on the Property.

- (12) Lot size averaging may be permitted for preliminary plans accepted prior to July 1, 2006 in accordance with the Zoning Ordinance when the Planning Board finds that:
 - (A) The subdivision design provides for better access, protects or enhances historic resource or natural features and amenities, or otherwise provides for a better environment than that which could be achieved by the exclusive use of standard lots.
 - (B) The subdivision design provides for an adequate transition between the proposed sizes and locations of lots and the lots, or lot size standards, of any adjacent residentially zoned parcels.
 - (C) The subdivision design, where applicable, provides for an adequate transition between the proposed natural features of the site and any natural features of the site and any natural features of adjacent parcels.

This provision is inapplicable.

- (13) Generally, lots, except at corners, should have access to only one (1) street.

 Lots are proposed to have access to only one street
 - (14) If an entrance feature or gateway sign is proposed in a residential subdivision, it shall be identified on the preliminary plan on a separate Homeowners' Association parcel, or easement located on a homeowner's lot, and be designed in accordance with the standards in Section 27-624 of the Zoning Ordinance. A Homeowners' Association or other entity or person designated in a maintenance arrangement approved by the Department of Permitting, Inspections, and Enforcement, shall be responsible for the maintenance of the entrance feature or gateway sign.

This provision is inapplicable.

(15) The Planning Board shall not approve a preliminary plan of subdivision until evidence is submitted that a stormwater management concept plan has been approved by the Department of Permitting, Inspections, and Enforcement or the municipality having approval authority, unless the Planning Board finds that such approval will not affect the subdivision.

A site development concept plan has been filed and is currently under review. An approved stormwater concept plan is not required in order to accept a preliminary plan for processing.

(16) Except as indicated in Section 24-132, the subdivision shall be designed and platted in accordance with the provisions for woodland conservation and tree preservation contained in Subtitle 25.

A site development concept plan has been filed and is currently under review. A TCP has been filed with this application.

(17) Historic resources should be preserved.

No historic resources are located on the Property.

(18) Significant archeological sites identified in accordance with the Planning Board Guidelines for Archeological Review should be preserved in place, to the extent practicable and should be interpreted as appropriate.

It is the applicant's belief and understanding that no archeological review will be required for this Preliminary Subdivision Plan. A Historic Presubmittal Checklist was submitted by the applicant at the time of filing this Preliminary Subdivision Plan for pre-acceptance review.

(19) Condominium townhouse dwelling units approved after September 1, 2012 shall conform to the lot standards of this Subtitle and Subtitle 27 for possible future conversion to fee simple lots.

No condominium townhouse units are proposed and therefore this provision is inapplicable.

Section 24-122 deals with Public Facilities requirements:

(a) 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.

If necessary, a public utility easement will be provided along any existing or proposed public road frontage as required.

(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.

No public facilities are shown on the General Plan or on the Master Plan which impact this property. A Site Development Concept Plan has been prepared and submitted. A Stormwater Management Concept Plan has been filed (No. 8708-2019) and is currently under review. The applicant believes that appropriate measures are being proposed to handle and treat all stormwater runoff as required by applicable ordinances.

(c) Stormwater management facilities, existing or proposed as part of the development, shall have sufficient capacity to convey surface water runoff.

See above response.

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.

The applicant's transportation engineer has prepared a Traffic Impact Analysis in conformance with a scoping agreement approved by the Transportation Division. That study provides an analysis of the existing roads in the study area and the impact of the proposed development. It should be noted that this property is within the area covered by the Brandywine Road Club. Therefore, a contribution to the Road Club fund will be made by the applicant to ensure adequacy of transportation facilities.

DIVISION 4. - REQUIREMENTS: TRANSFORMATION AND CIRCULATION.

Sec. 24-123. - General requirements.

- (a) The Planning Board shall require that preliminary plan conform to the following:
 - (1) The rights-of-way of all highways, streets, and transit facilities shown on the General Plan, functional master plans, and area master plans shall be shown on the preliminary plan and, when reserved or dedicated, shown on the final plat.

All rights-of-way shown on the General Plan and applicable Master Plans have been observed on the Preliminary Subdivision Plan as filed.

(2) All proposed streets shall be continuous and in alignment with existing or platted streets in adjoining subdivisions so as to create a street network that is functional and easily understandable. Generally, streets should cross other streets at right angles.

This subdivision is not proposing the dedication of any new public streets. Access will be to US 301. Lots are proposed to be served by private road/easement.

- (3) All internal subdivision streets shall be wholly within the County and shall not be designed to directly connect to an adjacent county unless the applicant has obtained the prior written approval of the District Council and the appropriate land use authority of the adjacent County.
 - (A) An applicant must file a written request for said approval. The request shall be filed with the Clerk of the District Council. The District Council must either approve or disapprove said request within said forty-five (45) day period shall constitute an approval of the request. For purposes of this provision an internal subdivision street shall be deemed to be a public roadway having a right-of-way width of eight (80) feet or less.
 - (B) After public hearing before the District Council, the Council shall not allow the proposed bi-county subdivision unless it finds that delivery of public safety services, utility services, and tax collection will be timely and adequate for the lots in Prince George's County.

All internal streets in this proposed subdivision will be wholly within Prince George's County and will not connect in any way to an adjoining county.

(4) All streets proposed for dedication to public use shall be designed to the standards of the County road ordinance and street standards for width and minimum curve radii or to the standards of municipalities having jurisdiction. Variations from these standards may be granted by the

Planning Board upon the recommendation of the Department of Permitting, Inspections, and Enforcement or upon the recommendation of the municipality or other governmental authority having jurisdiction.

As noted earlier, US 301 is presently in existence.

(5) Arterial highways shall have a minimum right-of-way width of one hundred and twenty (12) feet; collector streets, a minimum right-of-way width of eighty (90) feet; and parkways, such right-of-way width as may be designated by the Planning Board. The width of secondary subdivision streets shall be not less than fifty (50) feet and the width of primary subdivision streets not less than sixty (60) feet.

US 301 is presently in existence.

(6) Land for bike trails and pedestrian circulation systems shall be shown on the preliminary plan and, where dedicated or reserved, shown on the final plat when the trails are indicated on a master plan, the County Trails Plan, or where the property abuts an existing or dedicated trail, unless the Board finds that previously proposed trails are no longer warranted.

To the applicant's knowledge, no trails or pedestrian circulation systems are proposed to be provided as none are required by any Master Plan.

Sec. 24-124. - Adequate roads required.

- (a) Before any preliminary plan 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 an adopted and approved mater plan and construction scheduled with one hundred percent (100%) of the construction funds allocated within the adopted County capital Improvement Program, within the current State Consolidated TRANSFORMATION Program, and/or such roads are incorporated in a specific public facilities financing and implementation progr4am as defined in Se3ction 27-107.01 (186.1); and
 - (2) The traffic generated by the proposed subdivision will be accommodated on major intersections and major roadways within the established study area such that they will be functioning 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 (hereinafter the "study area" refers to major intersections and major roadways as defined in the "Guidelines"); or

See analysis regarding transportation adequacy provided above.

SEC. 24-124.01. - Adequate Public Pedestrian and Bikeway Facilities Required in County Centers and Corridors.

It is the applicant's belief that none are required. If during review it is noted that additional facilities are being requested, the applicant will respond accordingly.

Section 24-128 Private Roads and Easements

- (a) No subdivision plat or plan of development (however designated) shall be approved that provides for a private road, right-of-way, or easement as the means of vehicular access to any lot6, and no building permit shall be issued for the construction of any building in a subdivision unless such building is to be located on a lot or parcel of land having frontage on and direct vehicular access to a public street, except as hereinafter provided.
- (b) The Planning Board may approve plats and plans of development containing private roads, rights-of-way or easements under the following conditions:

* * * * * * * * * *

(9) Where direct vehicular access to an individual lot fronting on a public street should be denied to a potentially hazardous or dangerous traffic situation, a private easement may be approved in accordance with the driveway standards in Part 11 of Subtitle27, in order to provide vehicular access, when deemed appropriate by the Planning Board.

As noted above, the applicant is proposing a total of four (4) lots on what is now Parcel 14. All of these lots are proposed to be developed with uses permitted in the I-1 Zone. Due to State Highway Administration access restrictions and also due to potentially dangerous traffic considerations, four individual access driveways for this subdivision would not be permitted onto US 301. Consequently, the applicant is proposing to have a single access point onto US 301. It should be noted that there is no other alternative for this subdivision to have access to a public road. The single access point will be located as shown on the Preliminary Subdivision Plan. All of the four lots will have frontage on US 301. Lots 1 and 4 have substantial frontage. Lots 2 and 3 are proposed to satisfy the frontage requirement by virtue of 15-foot wide stems which extend out to touch the US 301 right-of-way. The access driveway will be located generally near the center of the Property's US 301 frontage. At that point, a private access easement which will be a minimum of 22 feet in width is proposed to serve all four of the lots. The access easement is shown on the Preliminary Subdivision Plan. Again, due to access control limitations to US 301 and due to safety considerations, the State Highway Administration would not permit four individual access driveways. Therefore, the applicant submits that the use of

this private road/easement/right-of-way should be permitted pursuant to the provisions of Section 24-128(b)(9) in order to address a situation where access would be denied due to safety considerations yet vehicular access can be provided through the easement. The proposed easement is centrally located within the lotting pattern and vehicles will be free to safely circulate. Therefore, use of the 22 foot wide private access/easement will be adequate to serve the development and will not result in any adverse impact from a transportation standpoint. A copy of a letter dated September ______, 2019 from Lenhart Traffic Consulting, Inc. affirming this fact is marked Exhibit "I" and attached hereto. Finally, the applicant submits that it will conform and comply with all other applicable Code requirements concerning the design and construction of the 22 foot wide access easement.

The Preliminary Subdivision Plan depicts the 22 foot wide easement extending from the Property's frontage all the way back to the eastern property boundary and then northerly to intersect with an area designated Outlot A "Future Industrial Road Connection". The Subregion 5 Master Plan shows an industrial roadway designated as I-503 which on the Master Plan is designated to run in a north/south direction from Short Cut Road to an intersection with a portion of the Villages at Timothy Branch. None of the right-of-way for I-503 is shown on the Master Plan as being located on the Schraf Property. When the Comprehensive Design Plan for the Villages of Timothy Branch was approved in March of 2015, a finding was made relative to I-503. A determination was made that since the Villages of Timothy Branch in the area abutting I-503 were proposed for residential development, there was no need to extend right-of-way for an industrial road along the entire length as shown on the Master Plan. Since the entire length of the proposed industrial road was not necessary, it was proposed to cul-de-sac with an offset bulb at the northeast corner of the Schraf Property. Most of the cul-de-sac is proposed to be located on the M&M Joint Venture property which is also zoned I-1 and which is located immediately north of the Schraf Property. Also, approximately one half of the proposed right-of-way for I-503 is proposed to be located on the M&M Venture Property. The remaining one-half of the right-of-way is proposed to be located on the Villages of Timothy Branch Property. Nothing other than a portion of the cul-de-sac bulb is proposed to be located on the Schraf Property. However, if at some point in the future the full right-of-way for the industrial roadway is acquired and that portion of the roadway running from Shortcut Road south to the Schraf Property is actually constructed, the State Highway Administration could determine to provide access into the Schraf Property via I-503. A copy of an excerpt from Planning Board Resolution PGCPB No. 10-110(A) is marked Exhibit "I" and attached hereto. In addition, a copy of a portion of the approved Comprehensive Design Plan with the I-503 right-of-way and the bulb highlighted in yellow is marked Exhibit "J" and attached hereto.

DIVISION 5. - REQUIREMENTS: ENVIRONMENTAL AND PARKS.

Sec. 24-129. - One hundred (100) year floodplain.

(a) Land shall be platted in a manner that protects the public against loss of life or property due to the one hundred (100) year flood, while minimizing the public and private costs of flood control measures. The Planning Board shall require that proposed subdivisions conform to the following:

- (1) Except as provided in Paragraphs (2) and (3), lots shall comply with the minimum net lot areas prescribed by the Zoning Ordinance, exclusive of any land area within the one hundred (100 year floodplain.
- (2) In the R-A and O-S Zones, where any lot contains a floodplain area, there shall be a minimum of forty thousand (40,000) contiguous square feet of area exclusive of any land within the one hundred (100) year floodplain.
- (3) In the R-E Zone, and in the R-R Zone for the purposes of compliance with Section 24-128(b)(1)(B), any area of a lot in excess of twenty thousand (20,000) contiguous square feet may be in the one hundred (100) year floodplain provided that such lot is to be served by a public water and sewerage system, and is in water and sewer service area category one, two, or three at the time of approval of the final plat of subdivision.

There is no 100 year flood plain on the Property.

Sect. 24-130 Stream, wetland, and water quality protection and stormwater management.

(a) Proposed subdivisions shall be designed to minimize the effects of development on land, streams and wetlands, to assist in the attainment and maintenance of water quality standards, and to preserve and enhance the environmental quality of stream valleys.

There is no primary management area on the Property. There are no streams or wetlands located on the Property. A Stormwater Management Concept Plan has been submitted and is under review. The applicant believes that all required water quality standards will be met and satisfied and there will be no environmental degradation as a result of this development.

- (b) The Planning Board shall require that proposed subdivisions conform to the following:
 - (1) The preliminary plan shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.
 - (2) The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.
 - (3) The submission of a storm drainage and stormwater management

- concept plan, and approval thereof by the County, may be required prior to preliminary plan approval.
- (4) Where a property is partially or totally within an area covered by an adopted watershed Plan, the preliminary plan shall conform to such plan.
- (5) Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible consistent with the guidance provided by the Environmental Technical Manual established by Subtitle 25. Any lot with an impact shall demonstrate sufficient net lot area where a net lot area is required pursuant to Subtitle 27, for the reasonable development of the lot outside the regulated feature. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.
- (c) The submission of a sediment control concept study, and approval thereof by the Soil Conservation District, may be required prior to final plat approval.

As noted above, a Conceptual Stormwater Management Plan has been submitted and is currently under review. As also noted above, there are no sensitive environmental features located on site. There are no wetlands or streams. A Natural Resources Inventory has already been approved and shows no impacts to sensitive environmental features.

VARIATION REQUEST

As was noted above, Section 24-121 provides that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, the lots shall be designed to either front on an interior street or a service road. That is not the case in this instance since all of the lots are proposed to access directly onto US 301 pursuant to the use of a private road/easement pursuant to Section 24-128(b)(9).

Variations from the normal requirements of the Subdivision Ordinance are governed by Section 24-113. That section provides as follows:

"(a) Where the Planning Board finds that (1) extraordinary hardship or 2 practical difficulties may result from strict compliance with this Subtitle and/or that the (3) 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 Section 9-206 of the

Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:" (numbers and emphasis supplied).

A close analysis of the criteria for the grant of a variation is both warranted and necessary. As noted from the underscored provisions of Section 24-113 above, the Planning Board may grant a variation upon finding any of the following situations to exist:

- 1. When an extraordinary hardship <u>may</u> result or;
- 2. When practical difficulties may result.

In each of these instances the Planning Board is not required to find that extraordinary hardship or practical difficulties will result but rather, may result from strict compliance with the Subtitle. Therefore, the Planning Board's findings are not mandatory in the sense that the Planning Board must not find that extraordinary hardship or practical difficulties shall result from strict conformance with the Ordinance. The Planning Board is only required to find either that extraordinary hardship or practical difficulties may result from strict application of the Subtitle.

3. In addition, the Planning Board may grant a variation if it finds that the purposes of Subtitle 24 may be served to a greater extent by an alternative proposal. Therefore, a separate ground for approval exists independent of extraordinary hardship or practical difficulties.

Section 24-113(a) goes on to note that a variation may be approved in order that "... substantial justice may be done and the public interests secured" as long as granting the variation shall not "have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article".

In summary, an analysis of the appropriate statutory provision leads to the inescapable conclusion that a variation may be approved when the Planning Board finds:

- 1. An extraordinary hardship <u>may</u> result from strict compliance with the Subtitle; <u>or</u>
- 2. That practical difficulties <u>may</u> result from strict compliance with the Subtitle; <u>or</u>
- 3. The purposes of the Subtitle <u>may</u> be served to a greater extent by an alternative proposal.

In each of the above instances, a variation may be approved so "that substantial justice may be done and the public interest served". Section 24-113(a) also notes that the Planning Board must make specific findings based upon evidence presented in each specific case. Those findings are set forth and analyzed hereinafter.

The structure of Section 24-113 is interesting in that it uses the words "extraordinary hardship or practical difficulties", language often associated within the context of a variance. The Court of Special Appeals has noted that in proving "practical difficulty" to justify a variance, an applicant need only show that requiring strict conformance with the terms of the restriction in

question (1), "... would unreasonably prevent an owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome", (2) whether grant of the variance applied for would do substantial justice to all involved, and (3) whether relief can be provided so that the spirit of the ordinance in question can be observed.

Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 39, 322 A.2d 200, (1974).

However, Section 24-113 is not a provision governing the grant of a variance. Rather, it is a standard governing the grant of a variation. Variances and variations are very specific terms of art and are different from one another. The fact that variances and variations are two specific and different applications, was discussed by the Court of Special Appeals in Colao v.

Maryland-National Capital Park and Planning Commission, 167 Md. App. 194, 892 A.2d 579 (2005). In Colao, parties who had opposed the grant of a variation before the Planning Board within the context of a preliminary subdivision plan application argued on appeal that a variation was tantamount to a variance and that the judicially articulated standard of review for the grant of a variance would apply. The Court of Special Appeals disagreed and held:

"The word 'variation' is not a mere homespun curiosity of Prince George's County dialect. It is, in Prince George's County land planning law, a precise term of art. It is, moreover a term of art separate and distinct from the different term of art 'variance'. We are not dealing with variances in this case." <u>Colao</u> at 215.

The Court of Special Appeals went on to discuss the difference between variance findings and variation findings. In <u>Colao</u>, the Court upheld the Planning Board's approval of a variation to disturb sensitive environmental features when the Planning Board found that to deny the variation would result in a substantial loss of lots. The Court opined on the facts of that case that the loss of lots which the property owner would experience if the variation were not granted outweighed the value of preserving the specific environmental features proposed to be disturbed. <u>Colao</u>, 217-218.

While the Applicant asserts that they could in fact carry the practical difficulty standard applied to variances, as articulated in <u>Anderson</u>, that burden is not required as we are dealing with a variation and not a variance.

DESCRIPTION AND ANALYSIS OF VARIATION

As has been noted above, a variation in this instance is being requested from the requirements of Section 24-121(a)(3) of the Subdivision Ordinance. That section provides that when lots are proposed on land adjacent to an existing or planned roadway of arterial or higher classification, the lots shall be designed to front on either interior street or service road. As has been described above, the Applicant is proposing to serve all four lots with a private easement. That easement will allow access directly onto US 301 which is a roadway of greater than arterial classification. The criteria for the grant of the variation are discussed below: It is submitted that this variation request conforms to all requirements of Section 24-113(a). Specific review of

each of these criteria which the Planning Board must address follows:

1. The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property;

Quite to the contrary, granting this variation will promote public safety, health and welfare. As described above, there is no other available access to a public road for the Property. Access can only be obtained onto US 301. The access design will conform to all applicable statutory requirements. Further, the applicant's transportation engineer, Lenhart Traffic Consulting Inc., has verified that the connection can be made in such a manner as to ensure no adverse safety impact to traffic proceeding north on US 301. It should be noted that this access will be subject to an access permit reviewed and approved by the State Highway Administration. This may include installation of accel and/or decel lanes at the access point. Given these safety procedures, allowing the access will not create any detriment to the public or to other properties. It is also important to note that this is the only access for the Property as there is no frontage on any other public roadway.

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 unique situation which applies in this case resides in the fact that there is no other means of access to the Property. The Property has no frontage on any other public roadway which currently exists. Industrial Road I-503 does not exist and required right-of-way has not been acquired. Accordingly, accessing the property from US 301 is the only option which will allow any development of the Property.

3. The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and

As stated above, the proposed access will require an access permit from the State Highway Administration. Further, the driveway itself will be constructed in accord with all applicable statutory and regulatory requirements including driveway width and sight distance. The driveway being proposed will comply with all applicable laws, ordinances and regulations.

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.

The most unique situation which pertains in this instance is the fact that the only access which can be provided to the Schraf Property is from US 301. The applicant submits this is a unique physical circumstance. Further, failure to allow access onto US 301 would result in a particular hardship to the applicant in that no viable use of the Property could be realized. This is a particular hardship as distinguished from a mere inconvenience.

5. In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.

This provision is inapplicable.

In view of the above, the applicant submits that all criteria for the grant of a variation are met and satisfied in this instance.

CONCLUSION

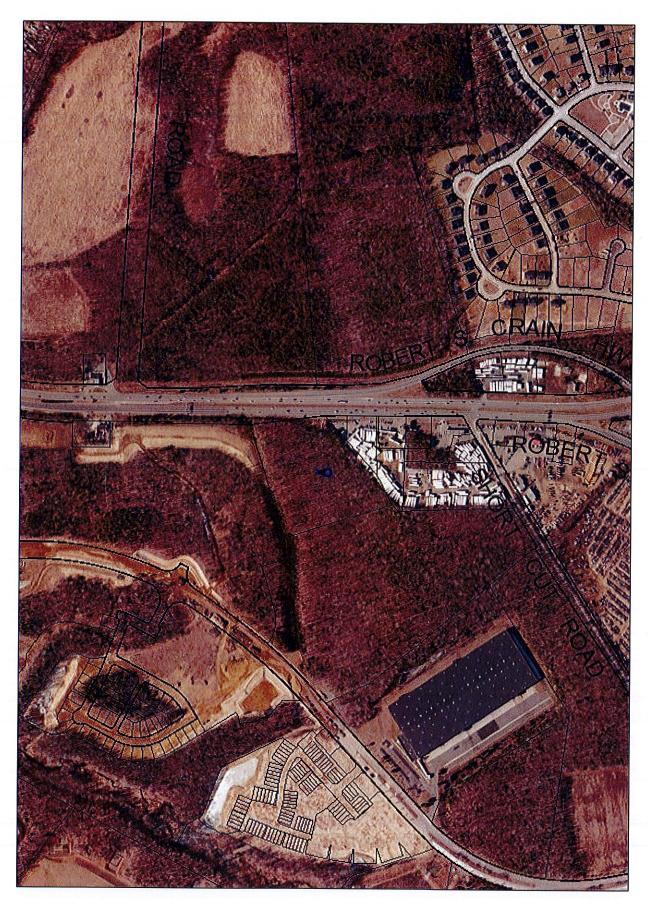
This Preliminary Subdivision Plan application conforms to all applicable Subdivision Ordinance criteria and regulations. For that reason, Generation Properties requests that this Preliminary Subdivision Plan be approved.

Edward C. Gibbs, Jr., Esquire

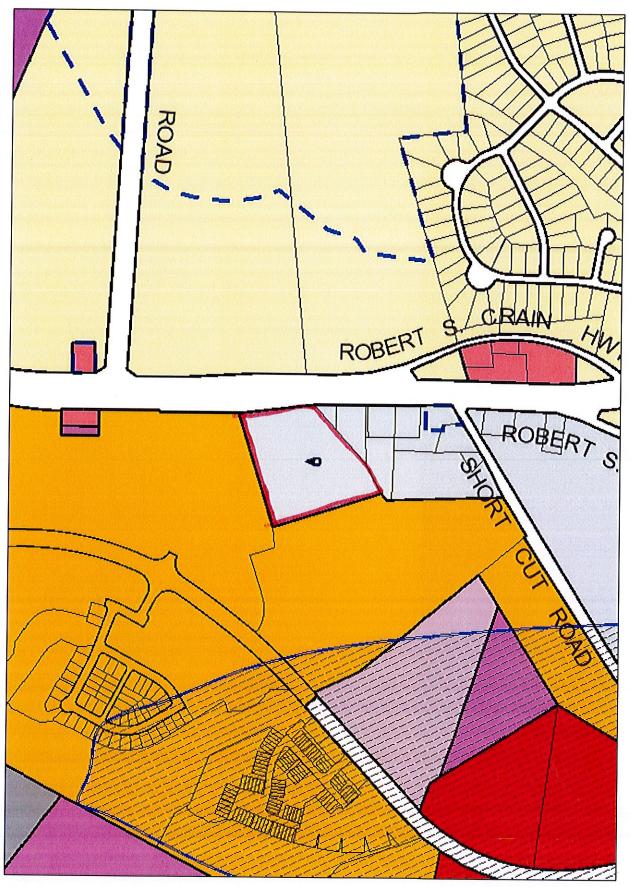
Gibbs and Haller

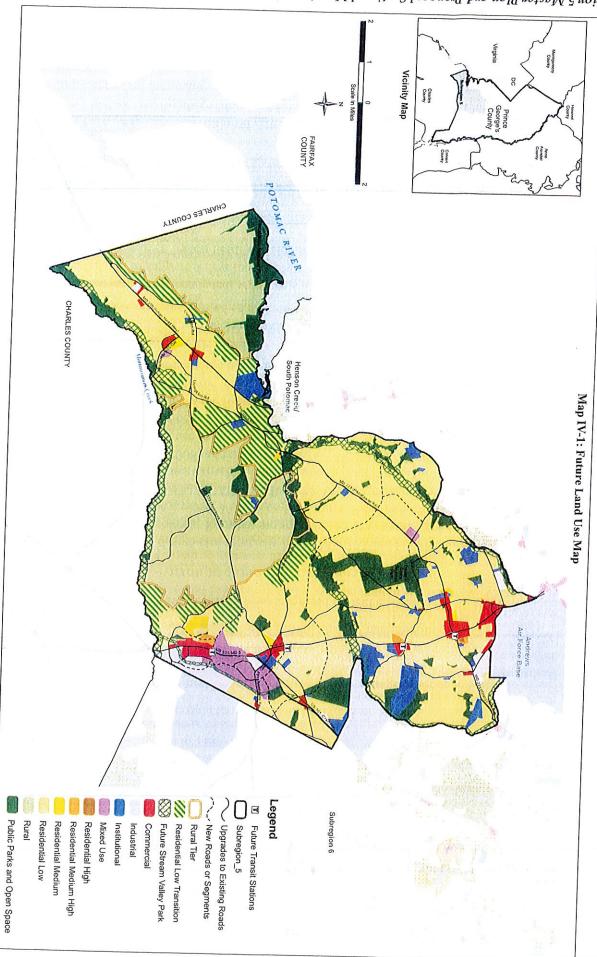
1300 Caraway Court, Suite 102 Largo, Maryland 20774

(301) 306-0033 egibbs@gibbshaller.com Attorney for the Applicant



_





- It includes the Rural/Developing Tier boundary line, dividing the Rural Tier, with its set of goals and objectives, from the Developing Tier, which has a different set. This policy line affects eligibility for public water and sewer service and the application of transportation and fire standards under the county's public facility requirements.
- The map serves as a guide to decision makers regarding water and sewer allocations.

The land use map divides Subregion 5 into 11 land use policy designations (Table IV-1).

Table IV-1. Land Use Map Designation

Designation	Intent/Types of Land Uses		
Commercial	Retail and business areas, including employment uses such as office and service uses.		
Industrial	Manufacturing and industrial parks, warehouses and distribution. May include other employment such as office and service uses. Areas of various residential, commercial, employment and institutional uses. Residential uses may include a range of unit types. Different mixed use areas may vary with respect to their dominant land uses; i.e. commercial uses may dominate overall land use in one mixed use area, whereas residential uses may dominate in another.		
Mixed use			
Institutional	Uses such as military installations, sewerage treatment plants, schools.		
Residential high	Residential areas over 20 dwelling units per acre. Mix of dwelling unit types, including apartments.		
Residential medium-high	Residential areas between eight and 20 dwelling units per acre. Mix of dwelling unit types, including apartments.		
Residential medium	Residential areas between 3.5 and eight dwelling units per acre. Primarily single-family dwellings (defached and attached):		
Residential low	Residential areas up to 3.5 dwelling units per acre. Primarily single-family detached dwellings.		
Residential low—transition areas	Residential areas up to two dwelling units per acre. Primarily single- family detached dwellings. Minimum 60 percent open space through required conservation subdivisions.		
Rural	Agricultural land (cropland, pasture, farm fields), forest, very low density residential. The county's intent is for these areas to remain rural and to conserve these areas' natural resources, primarily forest and forest resources, for future generations. New residential development is permitted at a maximum density of one dwelling unit per five acres.		
Public parks and open space	Parks and recreation areas, publicly owned natural areas		

B. Developing Tier Policy Area

The Developing Tier comprises established neighborhoods and shopping areas, schools, libraries, employment areas, and a hospital center. It is where most of the Subregion 5 population will continue to reside and to work. This chapter describes where varying intensities of residential land use are to be located. It also describes where commercial, institutional, recreational and open space land uses are recommended. Planning considerations for future development in the vicinity of Andrews Air Force Base are also addressed. A transition area is provided to encourage the retention of open, natural areas in strategic locations where land in the Developing Tier is contiguous to land in the Rural Tier.

Goals

- Promote a sustainable pattern of development that encourages economic vitality.
- Encourage efficient use of existing and planned public facilities.
- Enhance the quality and character of communities and neighborhoods.
- Preserve rural, agricultural, and scenic areas and protect environmentally sensitive lands.

Description and Location of Land Use Categories

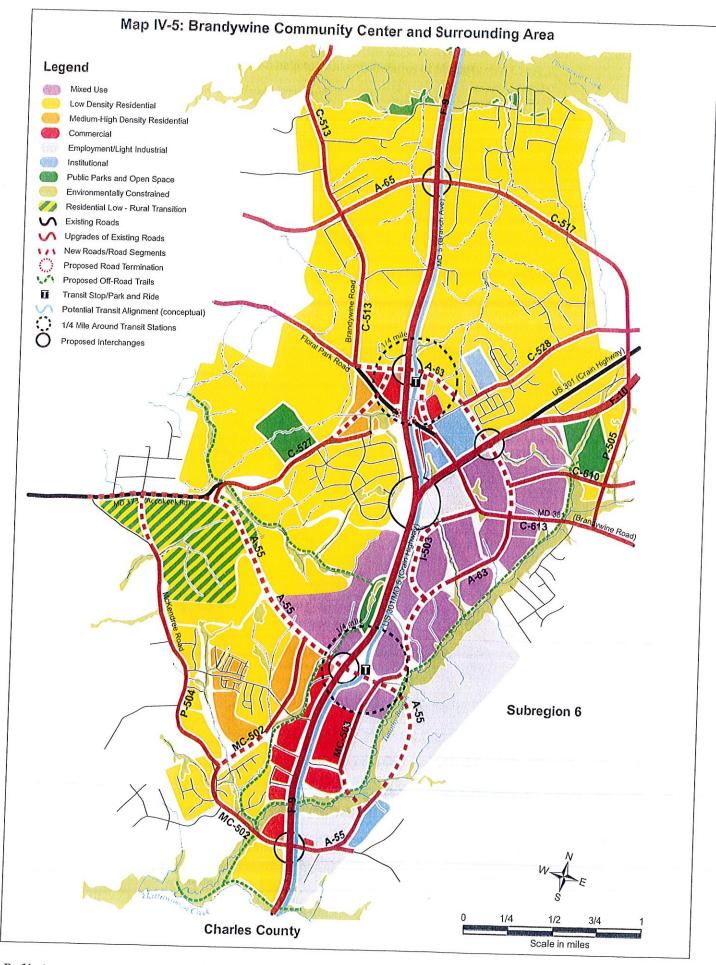
Commercial areas are designated primarily in the MD 223 and US 301 corridors. Each of the communities of Accokeek, Brandywine and Clinton has commercial areas. Accokeek has two commercial areas: Accokeek Village on Livingston Road east of MD 210 and Manokeek Village on MD 228, also east of MD 210. Brandywine is a growing commercial center with development at Brandywine Crossing, a nearly one million square foot shopping center, under construction as of 2008, adding to the existing inventory. The largest concentration of existing commercial land use is in Clinton: east and west of the MD 5/MD 223 intersection, comprising two shopping centers, plus a neighborhood-oriented crossroads at the MD 223/Old Branch Avenue/ Brandywine Road intersection (see Chapter III for details). Another concentration in Clinton is to the north at MD 5, Coventry Way and Old Alexandria Ferry Road. A planned commercial area is located west of the intersection of MD 223 and Steed Road. Other smaller commercial areas are scattered in diverse locations, mostly reflecting crossroads sites established years ago when the entire area was more rural.

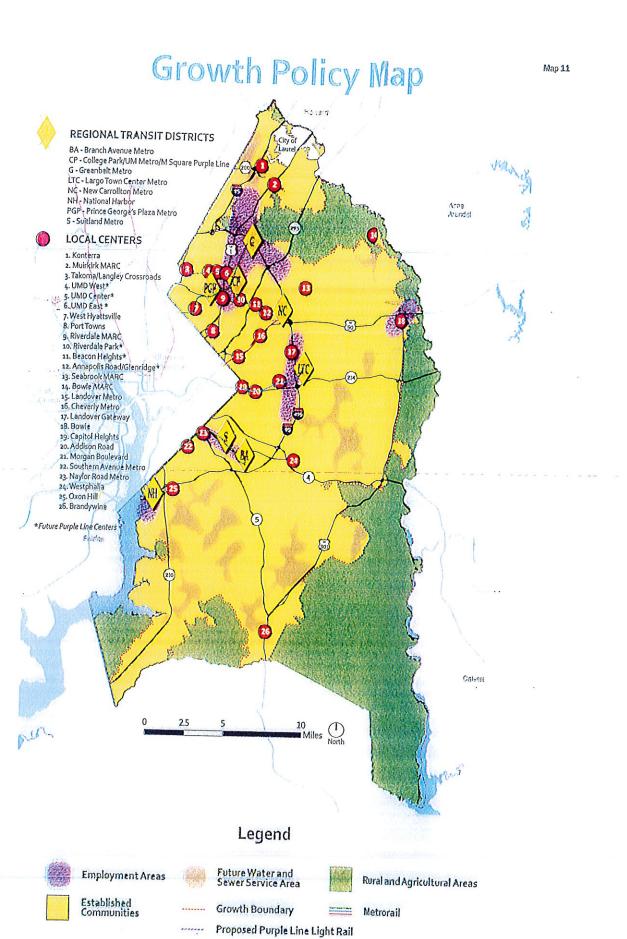
This plan limits the expansion of commercial land uses along major roadways that are not in designated growth areas, consistent with goals and policies to discourage strip commercial development and to support redevelopment and infill development in existing and planned development areas over "green field" development. Note, however, that Mixed Use areas may contain commercial uses.

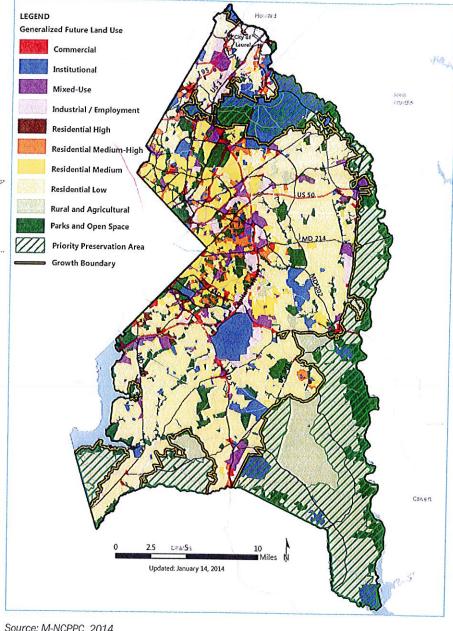
Industrial areas are designated in the following locations: in Brandywine east of MD 5/US 301, and in Clinton on Kirby Road and along Old Alexandria Ferry Road at Andrews Air Force Base. A few other industrial areas are in scattered locations, such as the Beretta gun manufacturing facility in Accokeek.

Areas that are designated **institutional** reflect large, existing institutional land uses. In Clinton, these uses include: the Southern Maryland Hospital Center, the federal Law Enforcement Training Center and the county's Fire Training Academy, Resurrection Cemetery, south of Woodyard Road near Rosaryville Road, and the PEPCO transmission facility south of the Southern Maryland Hospital Center. In Accokeek, institutional uses include the Washington Suburban Sanitary Commission's Piscataway Wastewater Treatment Plant.

Exhibit "E"







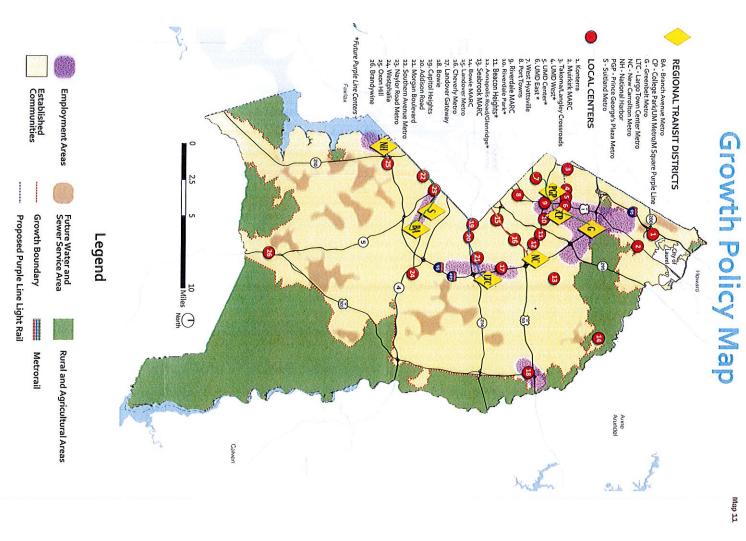
Map 10. Generalized Future Land Use Map

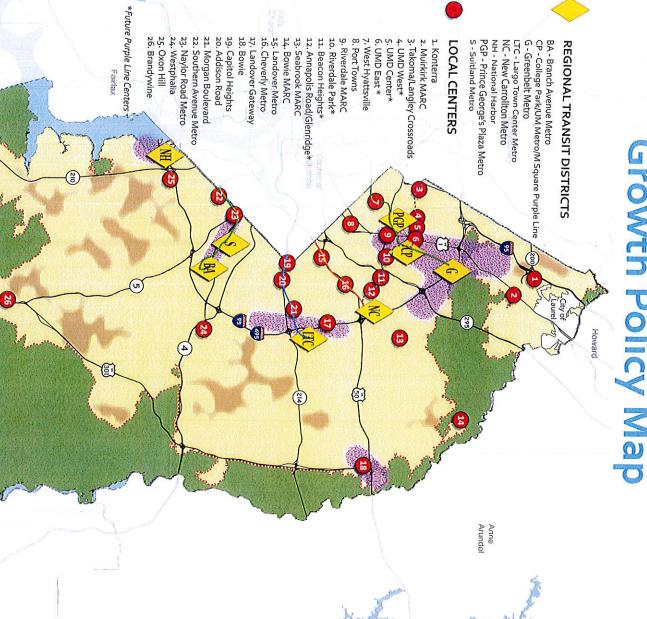
The Generalized Future Land Use Map is not a zoning map and is not intended to identify land uses and zoning for specific properties.

Source: M-NCPPC, 2014

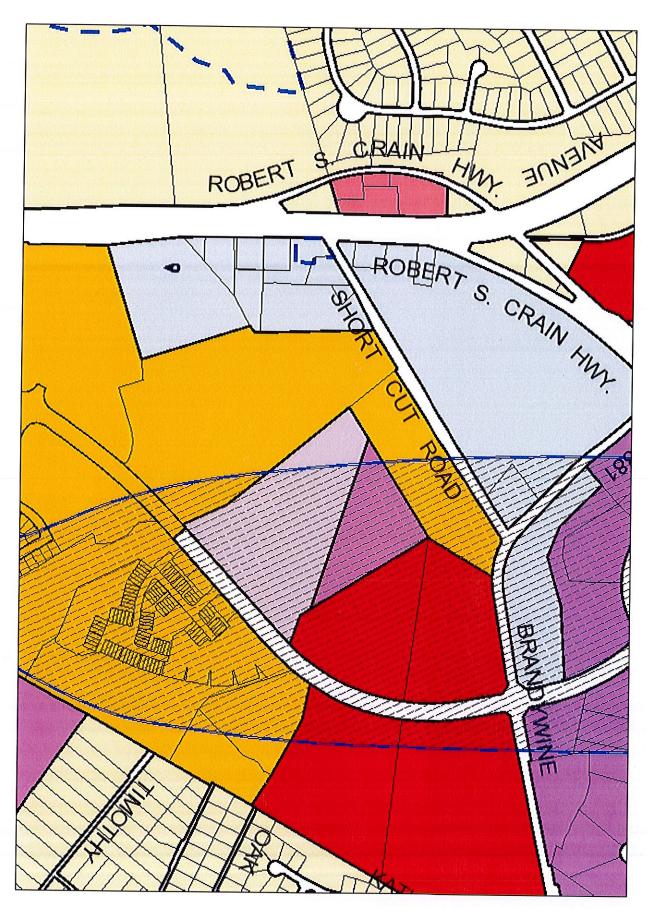
This map generalizes future land use designations as shown in approved sector and master plans. It does not follow parcel boundaries, and its land use categories do not identify permitted uses or imply dimensional standards. By definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property's relevant approved sector or master plan.







Map 11



Sec. 24-113. Variations.

- (a) 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 the evidence presented to it in each specific case that:
- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;
- (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;
- (3) The variation does not constitute a violation of any other applicable law, ordinance, or regulation; and
- (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;
- (5) In the R-30, R-30C, R-18, R-18C, R-10A, R-10, and R-H Zones, where multifamily dwellings are proposed, the Planning Board may approve a variation if the applicant proposes and demonstrates that, in addition to the criteria in Section 24-113(a), above, the percentage of dwelling units accessible to the physically handicapped and aged will be increased above the minimum number of units required by Subtitle 4 of the Prince George's County Code.
- (b) A petition for any such variation shall be submitted in writing by the subdivider prior to the meeting of the Subdivision Review Committee and at least thirty (30) calendar days prior to hearing by the Planning Board. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

(CB-48-1981; CB-98-1993)



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Office of the Clerk of the Council (301) 952-3600

May 14, 2015

TO:

Alan Hirsch, Division Chief

Development Review Division

Maryland National Capital Park and Planning Commission

FROM:

Redis C. Floyd

Clerk of the Council

RE:

CDP-0902 (Reconsideration) The Villages at Timothy Branch Timothy Brandywine Investments One & Two, LLC, Applicant

Located on the east side of US 301 (Robert S. Crain Highway), southeast of its intersection with MD 5 (Branch Avenue), and south of MD 381 (Brandywine Road) (72.26 Acres; L-A-C/R-M Zone).

This is to advise you that:

- (X) The District Council has not elected to review the subject application during the thirty-day review period.
- (X) No appeal was received during the thirty-day appeal period.
- (X) Therefore, the Planning Board's decision stands final.
- () On ______, District Council elected to make the final decision on the subject application.

cc:

Whitney Chellis

All Persons of Record



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

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

Reviewer

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

PGCPB No. 10-110(A)



PGCPB No. 10-110(A)

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

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

*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

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 areahad 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

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

JASE RESIDENTIAL AREA

ITIAL AREA

11 368 DU 12 DU ROVED FOR 25%; 208 DU

, including all single-family and multifamily units, use a recreational facilities at the Brandywine Area Community Park as conceptud Exhibit B which includes the following:

softball field

soccer field

65-space parking lot access road from Missouri Avenue Frior to issuance of 20 percent of the residential building permits within CDP-0902, including all single-family and multifamily units, the applicant shall for review and approval, construction drawings and specifications for the c Phase I recreational facilities and related stormwater management facilities Area Community Park

A minimum 50-foot building restriction line (BRL) as measured from the ult of Mattanoman Drive shall be provided on the Specific Design Plan (SDP) (determined that a lesser BRL provides sufficient area to adequately buffe

from the roadway.

The requirements of Section 4.7 of the Prince George's County Landscap used as a starting point or minimum for the provision of an adequate separ Incompatible uses, at the perimeter of the site. The requirement may be incr necessary so as to ensure compatibility between incompatable uses at the of the specific design plan.

P-0901 and CDP-0902

COMPREHENSIVE DESIGN PLAN

GES AT TIMOTHY

BRANDYWINE DISTRICT NO. II PRINCE GEORGE'S COUNTY, MARYLAND



SERIES 218 ¢ 219 SE 08

大型 東東東 東京 ・ 1977年 -	01/10/14	Revised per Conditions of Approval.	SN	11721 WOODMORE ROAD, SUITE MITCHELLVILLE, MARYLAND 20
	8-18-10	Revised per Urban Design/SDRC comments.	SN	BEN DYE
	8-12-10	Revised per reviewer comments dated 8-6-10	SN	Engineers /
	7-8-10	Revised per SDRG Comments.	SN	COPYRIGHT @ 2009 BEN I
	4-9-09	Revised per M-NCPPC pre-review comments.	Ø	DRAWN BY DESIGNED BY CHECKED BY
	DATE	DESCRIPTION	ВΥ	SCALE 11 = 200'
	Ψ	REVISIONS		DATE FEBRUARY 2009

