

R E S O L U T I O N

WHEREAS, Route 301/CPI Associates L.P. is the owner of a 16.30-acre parcel of land known as Parcels 302 and 55, Tax Map 145, Grid A-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned C-M and C-S-C; and

WHEREAS, on May 10, 2000, Capitol Properties, Inc. filed an application for approval of a Preliminary Subdivision Plat (Staff Exhibit #1) for one lot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plat, also known as Preliminary Plat 4-00026, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on October 19, 2000, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended Approval of the application with conditions; and

WHEREAS, on October 19, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type I Tree Conservation Plan (TCPI/36/00), and further APPROVED Preliminary Plat of Subdivision 4-00026 with the following conditions:

1. Development of this subdivision shall be in compliance with the approved Type I Tree Conservation Plan (TCP I/36/00). The following note shall be placed on the Final Plat of Subdivision:

"Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCP I/36/00), or as modified by the Type II Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland Conservation/Tree Preservation Policy."

2. Prior to the issuance of building permits, a Type II Tree Conservation Plan shall be approved.
3. Development of this site shall be in accordance with the approved stormwater

concept plan, Concept # 008006550.

4. The following note shall be placed on the final plat:

AAAn automatic fire suppression system shall be provided in all proposed buildings in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.@

5. The applicant, his heirs, successors and/or assigns shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a Road Club which will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V Master Plan, as well as any properties along U.S. 301/Md. 5 between T.B. (the intersection of U.S. 301 and Md. 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board.

For development of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

For a church use, a fee calculated as \$0.33 per gross square foot X (the most recent FHWA Highway Construction Cost Composite Index four-quarter average available at the time of building permit application) / (FHWA Highway Construction Cost Composite Index for first quarter, 1993)

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

Any other uses for the property permitted by the zoning shall be analyzed by the Transportation Planning Section to determine the appropriate pro-rata share payment.

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

funds have been provided by public agencies. The off-site transportation improvements shall include:

- a. Widen US 301/MD 5 from a four (4) lane road to a six (6) lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). The construction shall be in accordance with presently-approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four (4) lane road to a six (6) lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point the Spine Road crosses US 301 northeast of T.B.
- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six (6) lane road to an eight (8) lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four (4) lane road to a six (6) lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

6. Total development within the subject property shall be limited a 4,000 square foot church, or any other uses permitted in the C-S-C/C-M zones which generate no more than 3 AM and 3 PM peak hour vehicle trips. Development of up to 5,000 additional square feet of church facilities shall not constitute a significant change in peak hour trip generation. Any development creating a transportation impact beyond that identified herein above shall require a new preliminary plat of subdivision with a new determination of the adequacy of transportation facilities.
7. The record plat shall include a note prohibiting direct access from the subject property onto US 301.
8. The applicant, his heirs, successors, and/or assigns, shall reserve the portion of the subject property between the existing US 301 right-of-way and the M-NCPPC Master Plan right-of-way line as right-of-way for the proposed relocation of US 301 as the F-10 facility, as recommended in the *Subregion V Master Plan*, per the requirements of Sections 24-139, 24-140, and 24-141 of the Subdivision Regulations. This reservation shall be subject to the following requirements:
 - a. The reservation period shall continue for three years and commence with the recordation of a Reservation Plat recorded with the Final Plat of Subdivision. The reservation area shall also be shown on the Final Plat. The Reservation Plat shall comply with all requirements for recording plats among the Land Records of Prince George's County.
 - b. At the end of the reservation period, if the reservation has not been renewed or if the land reserved has not been acquired for public use and proceedings for acquisition have not been initiated, the reservation shall expire. Prior to the expiration of the three-year reservation period and with the written consent of all land owners, the Planning Board may renew the reservation for additional periods of time (not less than one year) if agreeable to the land owners.
 - c. During the reservation period, no building or structure, other than validly approved utilities, roads and public infrastructure, shall be erected upon the reserved land unless otherwise approved by the Planning Board. No trees, topsoil, or cover shall be removed or destroyed, no grading shall be done, and no drainage structures shall be built so as to discharge water upon the reserved land except as provided in Section 24-140(d) of the Subdivision Regulations.
 - d. All reserved land shall be maintained by the owner as required by County law. The Planning Board shall be notified immediately upon the

sale of any land so reserved.

- e. If, prior to the expiration of the reservation period, the Planning Board determines that the reservation no longer appears necessary, the Planning Board may cancel the reservation with the written consent of the owner.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.
2. The property is located in the southwest quadrant of the Brandywine Road/US 301 intersection in Brandywine.
3. This site is subject to the provisions of the Woodland Conservation Ordinances because the site is more than 40,000 square feet and contains more than 10,000 square feet of woodland. A Tree Conservation Plan is required to satisfy the requirements of the Woodland Conservation Ordinances.

Tree Conservation Plan, TCP I/36/00 has been reviewed . The plan proposes on-site conservation to meet the minimum requirements of the Woodland Conservation Ordinances and additional woodland saved beyond the minimum; therefore staff recommends approval of TCP I/36/00.

There are wetlands, streams, and floodplain on this site, but no impacts are proposed at this time. The wetlands and 25 foot wide buffer have been placed within the Woodland Conservation Area. The applicant should be aware that any disturbances to the wetlands will not be allowed without Planning Board approval of a variation request in conjunction with a new preliminary plat application.

The soils pose no special problems for development. There are noise impacts associated with this property. A residential use should be discouraged. There are no designated Historic or Scenic roads associated with this proposal.

4. The 1993 *Subregion V Master Plan* recommends commercial land use for the subject property and those adjoining to the south and west. To the north, across Brandywine Road, public land use is indicated in recognition of the existing Gwynn Park Senior High School.

The Master Plan land use map indicates that the northwest part of this site adjoins an Historic Survey Area for T.B. This area is described on page B-33 of the 1992 *Approved Historic Sites and Districts Plan* as:

Aa small early nineteenth-century settlement at the crossroads of several old transportation routes A majority of the buildings are late nineteenth-century vernacular buildings that directly relate to the early residential and commercial character of the community; 13 buildings are included within the T.B. Survey area.@

Subsequently, the text of the 1993 Master Plan (p.174) stated:

AT. B. is a fragile community with a group of surviving historic resources along Old Brandywine Road. These include the Marlow-Huntt Store, the Huntt Casket Shop and the Marlow-McPhearson House.@

Plan recommendations (p. 179) state:

AThe remaining landmarks of T.B. should be incorporated into a development scheme for the entire area. For instance, the buildings could be the components of a village antiques center.@

The 1993 *Subregion V SMA* classified the parcels subject to this subdivision in the C-M and C-S-C Zones.

The primary planning issue is whether additional measures should be required to protect the adjacent historic survey area for T. B. According to the definition in the Master Plan text (p. 178) an

AHistoric Survey area is a group of historic properties (urban or rural) which has been surveyed but is not protected by the Historic Preservation Ordinance. Historical and architectural survey information on these areas is maintained in the Planning Department. This material may be used as a basis for a statement of significance if residents request evaluation of an area for Historic District designation.@

Residents of this area have not made a request to designate this as an Historic District.

When the historic survey boundary for T. B. was originally drawn, it included the parcel adjacent to the subject application as the eastern most property that could be a contributing element to a future Historic District. The specific buildings referenced in the Master Plan text as historic resources or sites are all located farther west in the vicinity of Old Brandywine Road. Subsequent staff evaluation of the two buildings on this site indicate that the existing house could be a contributing element to a District, but the garage was not. Neither building was considered an Historic Resource that would require evaluation and perhaps protection by the Historic Preservation Commission. Thus, at this time, there is no requirement for additional review of development proposals adjoining this eastern side of the historic survey area. Setback, buffering and landscaping according to the standard requirements of the Zoning Ordinance and Landscape Manual

should be sufficient. Nonetheless, as new buildings are designed, it would be appropriate to consider the design elements of the neighboring community.

The proposed plan includes tree conservation areas that cover a majority of the property, including the areas that most impact the Historic Survey Area for T.B. The applicant should be aware that considerations for T.B. will be reviewed in a subsequent preliminary plat should further development be proposed.

5. In accordance with Section 24-134 of the Subdivision Regulations, the proposal is exempt from the requirements of mandatory park dedication because the property is not residentially-zoned.
6. There are no master plan trails issues associated with this application.
7. No traffic study was requested of the applicant nor was one submitted for review. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals (Guidelines)*.

The transportation staff was initially concerned that further analysis could be needed if the proposed church was of sufficient size. With a better idea of the size of the church, the transportation staff has since waived the need for further analysis.

The application is a preliminary plat of subdivision for a commercial lot which is proposed to contain a 4,000" square foot church. The proposed development would generate 3 AM and 3 PM peak hour vehicle trips as determined using *Guidelines*. The site was analyzed using the following trip distribution:

MD 381 from the east:	10%
MD 381 from the west:	20%
US 301 from the north:	35%
US 301 from the south:	35%

The traffic generated by the proposed preliminary plan would impact the signalized intersection of US 301 and MD 381. There are no improvements at this intersection which are currently funded for construction in either the County *Capital Improvement Program (CIP)* or the Maryland Department of Transportation *Consolidated Transportation Program (CTP)*.

The Prince George's County Planning Board, in the *Guidelines*, has defined level of service D (LOS D) as the lowest acceptable operating condition on the transportation system. The intersection of US 301 and MD 381, when analyzed under existing traffic, was found to be operating at a critical lane volume (CLV) of 1,120, or level of service (LOS) B, in the AM peak hour and at a CLV of 979 and LOS A during the PM peak

hour. With growth in through traffic and a considerable amount of approved development, background traffic was found to be operating at a CLV of 1,586 and LOS E in the AM peak hour and at a CLV of 1,416 and LOS D during the PM peak hour. Under total future traffic as developed using the *Guidelines*, adding the impact of the proposed development, the critical intersection was found to be operating with a CLV of 1,587 and LOS E in the AM peak hour and at a CLV of 1,417 and LOS D during the PM peak hour. Therefore, the critical intersection is operating unacceptably, at LOS E or F, in at least one peak hour.

In reviewing other nearby properties, including the Hampton CDP (CDP-9402), the transportation staff has noted ongoing issues regarding poor traffic service levels in this area, and the Planning Board has acted on a number of nearby cases. Reference is made here to the attached memorandum prepared on December 4, 1990. This memorandum documents the assumptions regarding the Brandywine Road Club and its potential member properties, and establishes the improvements which are required in the area for Adequate Public Facilities.

According to the attached memo, no geographic limits for the Road Club membership have been defined, but includes property owners within Employment Area "C", property owners along US 301/MD 5 between T.B. and Mattawoman Creek, and the Brandywine Village M-A-C property, along with any adjacent properties to these, as current or prospective members of the Road Club. The subject property is within the Brandywine Planning Area within one-half mile from the boundary of Employment Area "C" as defined in the Adopted Subregion V Master Plan. The subject property shares common access, common geographic attributes (i.e., near US 301 and MD 5), and common patterns of potential trips. Therefore, the transportation staff believes that the subject property is an "adjacent property", and should be considered as a potential contributor to the Road Club. Several non-commercial properties in the area have conditions to contribute to the Brandywine Road Club, including Hampton (4-95052), Brandywine Village (4-94052), Early Haven (4-93059), Brandywine Estates (4-94038), Hudelson's Forest (4-92100) and the Brandywine Landing Cluster (4-99036).

The December 4, 1990, memorandum sets forth the improvements associated with prospective Road Club members. Because the points of access for the properties on the east side of US 301 are so similar, all current or prospective Road Club properties on the east side of US 301 have similar list of Road Club improvements associated with them. Only in cases where a property does not have direct access to A-63 (otherwise known as the Spine Road) on-site does the list of improvements change, along with the corresponding payment to the Road Club. In the case where a property on the east side of US 301 is required to construct the on-site portion of the Spine Road, a payment of \$1.41 per gross square foot of building space to cover the cost of Road Club improvements is required. In the case where a property on the east side of U.S. 301 is not required to construct the on-site portion of the Spine Road, a payment of \$2.07 per square foot to cover the cost of Road Club improvements plus a share of the cost of the Spine Road is required.

As the subject property is west of US 301, no share in the cost of the future Spine Road is required. Furthermore, due to the size of the property and its localized impact, the Road Club ratables should be limited to the interchange at US 301/A-63 only. For this improvement, the subject property should be assessed the equivalent of \$0.33 per square foot for industrial space toward the Road Club improvements, based on the analysis in the December 4, 1990 memorandum.

In connection with the Hampton CDZ application (Zoning Map Amendment A-9853), a pro-rata Road Club contribution rate was developed and approved for residential development. In a similar way, the pro-rata contribution for the subject property has been computed as shown below:

- Current and potential members of the Road Club located in the Brandywine Employment Area are paying \$0.33 per square foot of gross floor area to cover their share of the cost of building the US 301/A-63 interchange. On the average, this payment is \$474.80 per peak hour trip generated. Based on the peak hour trip generation rates associated with a church, a Road Club payment of \$328 per thousand square feet of church space, or \$0.33 per gross square foot, is a fair and equitable pro-rata payment for the applicant toward this off-site improvement.¹

To ensure that adequate funding is available in the future to construct the facilities needed to provide adequacy, the County Council, in a May 21, 1991, letter, requested that cost estimates and future pro-rata payments include an inflation factor.

Notwithstanding the above finding, the transportation staff will recommend a trip cap condition for the property consistent with the proposed use.

The transportation recommendations in the *Subregion V Master Plan* include a recommendation that existing US 301 be upgraded to a freeway facility, F-10, with a major interchange at the location where F-10 crosses the F-9 (existing MD 5) facility. In the area of the subject property, the ramps leading into that major interchange result in a wider right-of-way.

In response to an initial request by the applicant, the transportation staff referred the plan for potential reservation to the County Department of Public Works and Transportation (DPW&T), the County Executive, the County Council and the State Highway Administration (SHA). Transportation planning staff's delineation of the right-of-way suggests that possibly one-half of the property could be required for future right-of-way. Initial comments by the SHA indicated that a lesser portion of the property would likely be needed. However, the SHA recommends that all of the subject property to the south

¹ It is not coincidental that churches and industrial space have identical rates of contribution to the Road Club, as the uses have virtually identical trip generation per thousand square feet. It is important to remember that there is a significant difference in the typical sizes of industrial buildings versus churches.

and east of the Master Plan right-of-way line be placed in reservation to allow officials to make an informed decision concerning acquisition of all or part of the property. DPW&T's comments indicated general support for reservation, but made no specific proposal. Comments of both agencies are attached.

Approximately six months ago, an interagency Corridor Preservation Team was formed. This team is comprised of Development Review Division and Transportation Planning Section staff, as well as staff from the DPW&T and the SHA. The purpose of the team is to review specific cases of potential reservation and to make appropriate recommendations to the Planning Board. The Planning Board received a briefing on the Corridor Preservation Team on May 18, 2000.

The Corridor Preservation Team met concerning the subject application on September 28, 2000 at SHA District 3 offices in Greenbelt. There was general agreement for reservation in accordance with the Master Plan. Dedication was not an issue, as the property would obtain access via existing MD 381 both now and in the future, and the plat shows appropriate dedication along that facility. The SHA indicated that an appropriate determination of the need to purchase all or part of the property could be made within a year or two, and that any acquisitions could be completed within three years. The SHA did review the map of M-NCPPC's proposed right-of-way, and did send it back as a means of indicating their recommendation. Although the preliminary plat is for a single lot, the extent of the Master Plan right-of-way is indicated on the plan, and should represent the limit of reservation. In a memorandum dated October 17, 2000, the SHA provided a reasonable assurance that the property would be purchased with available funds within the three year reservation period.

Access to the site shall be via MD 381. The record plat should include a note that the property shall not have direct access to US 301.

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with several conditions included in the Recommendation Section of this report.

8. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities in accordance with Section 24-122.01 and 24-122.02 of the Subdivision Regulations and the *Regulations to Analyze the Development Impact on Public School Facilities* (revised January 2000) (CR-4-1998). The proposed subdivision is exempt from the Adequate Public Facilities test for schools because it is a commercial use.
9. The Growth Policy and Public Facilities Planning Section has reviewed the subdivision plans for adequacy of public facilities and concluded the following.
 - a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service response time of

2.27 minutes, which is within the 3.25 minutes response time guideline.

- b. The existing ambulance service at Brandywine Fire Station, Company 40, has a service response time of 2.27 minutes, which is within the 4.25 minutes response time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, has a service response time of 2.27 minutes, which is within the 7.25 minutes response time guideline.
- d. The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service response time of 7.00 minutes, which is beyond the 4.25 minutes response time guideline.

These findings are in conformance with the *Adopted and Approved Public Safety Master Plan 1990* and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*. To alleviate the negative impact on fire and rescue services due to the inadequate service discussed above, the Fire Department recommends that all commercial structures be fully sprinkled in accordance with National Fire Protection Association Standard 13 and all applicable Prince George's County laws.

- 10. The proposed development is within the service area for Police District V- Clinton. In accordance with Section 24-122.1(c)(1)(A) and (B) of the Subdivision Regulations of Prince George's County, staff concludes that the existing County police facilities will be adequate to serve the proposed Capitol Property development.
- 11. The Prince George's County Health Department reviewed this application and offered no comments.
- 12. The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 008006550, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
- 13. The plan includes the required 10-foot wide public utility easement. This easement will be included on the final plat.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe and Hewlett voting in favor of the motion and with Commissioner Brown absent, at its regular meeting held on Thursday, October 19, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of November.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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