

R E S O L U T I O N

WHEREAS, Brandywine Investment Association, Limited Partnership is the owner of a 14.76-acre parcel of land known as Outlot 3, Plat VJ186@64, Tax Map 154 in grid F-3, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned L-A-C and R-M; and

WHEREAS, on October 19, 2004, Brandywine Investment Association, Limited Partnership filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 1 lot and 1 outlot; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-04112 for Brandywine Village Local Activity Center 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 January 27, 2005, 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 January 27, 2005, 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/47/96-05), and further APPROVED Preliminary Plan of Subdivision 4-04112, Brandywine Village Local Activity Center for Lot 1 and Outlot 3 including a Variation to Section 24-130 with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision the plan shall be revised as follows:
 - a. Relabel Outlot 3 as Outparcel A and Lot 1 as Parcel A.
 - b. To reflect dedication to M-NCPPC in accordance with DPR Exhibit A, or as agreed to by DPR and label as Parcel B.
 - c. Indicate SWM concept approval number and date.
2. A Type II tree conservation plan shall be approved with the approval of the specific design plan.
3. Development of this site shall be in conformance with the approved Stormwater Management Concept Plan and any subsequent revisions.

4. Development of this property shall conform to the conditions of Basic Plan A-9878, CDP-0102/02, and District Council Resolution No. CR-60-1993..
5. At the time of final plat, the applicant, his heirs, successors and/or assignees shall convey to M-NCPPC Parcel B, (3± acres) as delineated on DPR Exhibit A. Land to be conveyed shall be subject to the following:
 - a. At the time of final plat, an original, special warranty deed for the property to be conveyed (signed by the WSSC Assessment Supervisor) shall be submitted to the Subdivision Section of the Development Review Division, The Maryland-National Capital Park and Planning Commission (M-NCPPC), along with the final plat.
 - b. M-NCPPC shall be held harmless for the cost of public improvements associated with land to be conveyed, including but not limited to, sewer extensions, adjacent road improvements, drains, sidewalks, curbs and gutters, and front-foot benefit charges prior to and subsequent to final plat.
 - c. The boundaries and acreage of land to be conveyed to M-NCPPC shall be indicated on all development plans and permits, which include such property.
 - d. The land to be conveyed shall not be disturbed or filled in any way without the prior written consent of the Department of Parks and Recreation (DPR). If the land is to be disturbed, DPR shall require that a performance bond be posted to warrant restoration, repair, or improvements made necessary or required by the M-NCPPC development approval process. The bond or other suitable financial guarantee (suitability to be judged by the General Counsel's Office, M-NCPPC) shall be submitted to DPR within two weeks prior to applying for grading permits.
 - e. Stormdrain outfalls shall be designed to avoid adverse impacts on land to be conveyed to or owned by M-NCPPC. If the outfalls require drainage improvements on adjacent land to be conveyed to or owned by M-NCPPC, DPR shall review and approve the location and design of these facilities. DPR may require a performance bond and easement agreement prior to issuance of grading permits.
 - f. All waste matter of any kind shall be removed from the property to be conveyed. All wells shall be filled and underground structures shall be removed. DPR shall inspect the site and verify that land is in acceptable condition for conveyance prior to dedication.
 - g. All existing structures shall be removed from the property to be conveyed, unless the applicant obtains the written consent of DPR.
 - h. The applicant shall terminate any leasehold interests on property to be conveyed to M-NCPPC.

- i. No stormwater management facilities, or tree conservation or utility easements, shall be proposed on land owned by or to be conveyed to M-NCPPC without the prior written consent of DPR. DPR shall review and approve the location and/or design of these features. If such proposals are approved by DPR, a performance bond and an easement agreement may be required prior to the issuance of grading permits.
 - j. The subdivider, his successors and/or assignees, shall submit a letter to the Subdivision Section of DRD indicating that the Department of Parks and Recreation has conducted a site inspection and found the land to be dedicated to M-NCPPC in acceptable condition for conveyance. The letter shall be submitted with the final plan of subdivision.
6. At the time of review of the SDP, a determination shall be made if a Community-Oriented Police Office is warranted within the community and if office space should be made available to the Police Department for a Community Police Station as required by CR-60-1993.
 7. The SDP shall address the requirement (CR-60-1993) that the applicant employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of development.
 8. Development of this property shall be in conformance with approved Stormwater Management Concept Plan #21274-2003-01 and any subsequent revisions.
 9. At the time of the final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to approval. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”
 10. Prior to the issuance of any permits that impact jurisdictional wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
 11. Prior to the submittal of the required specific design plan (SDP) or any grading or clearing on site, the applicant shall submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. The SDP and final plat, if necessary, should provide for the avoidance and preservation of the resources in place and appropriate plat notes should be required ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following

the same guidelines.

12. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area "C" in the Subregion V master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the L-A-C portion 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 development on the L-A-C and E-I-A portions of the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of a fee calculated as \$1.24 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

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

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

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

MD 381.

- e. Reconstruct the traffic signal at US 301/MD 381.
 - f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
 - g. Provide a grade separation at the point the spine road crosses US 301 northeast of T.B.
 - h. Reconstruct the traffic signal at MD 5/Brandywine Road.
 - i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
 - j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
 - k. Construction of A-63 as a six-lane arterial roadway (where off site) between the US 301/MD 5/Cedarville Rd./McKendree Rd. intersection and MD 5 north of T.B.
 - l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
 - m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.
13. Prior to the issuance of any building permits within the subject property, the following road improvements shall have full financial assurances, have been permitted for construction, and have an agreed-upon timetable for construction with SHA:
- a. Along US 301/MD 5 at Chadds Ford Drive, provide southbound acceleration and deceleration lanes as well as a northbound left-turn lane.
 - b. Along Chadds Ford Drive at the approach to US 301/MD 5, provide an exclusive right-turn lane and dual left-turn lanes.
 - c. Install a traffic signal at US 301/MD 5 and Chadds Ford Drive at the time it is deemed necessary by SHA.
14. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north, and to McKendree Road on the south, the applicant and/or the applicant's heirs, successors, or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. In the event that a traffic signal has been installed at this location following approval of this plan, and removal of the signal is required as directed by SHA following closure of the intersection, such modification or removal shall be at the sole expense of the applicant

and/or the applicant's heirs, successors, or assignees.

15. At the time of review of the SDP, a detailed analysis of pedestrian and trail facilities for the subject site will be conducted.

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. This site is located on the west side of US 301 approximately 400 feet north of Clymer Drive. The property is located in the southwest quadrant of the intersection of Chadds Ford Drive and US 301.
3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING L-A-C & R-M Vacant	PROPOSED L-A-C & R-M Local Activity Center (116,600 square feet GFA)
Acreage	14.81	14.81
Lots	0	0
Outlots	0	1
Parcels	1	0
Dwelling Units:		
Detached	0	0

4. **Environmental**—The Environmental Planning Section previously reviewed this site for a Basic Plan (A-9878), a Comprehensive Design Plan (CDP-9202), a Preliminary Plan of Subdivision (4-96083), TCPI/47/96, TCPII/126/98, a new Comprehensive Design Plan (CDP-0102), a new Preliminary Plan of Subdivision (4-01045), Specific Design Plans for two portions of the site (SDP-0108 and SDP-0109), and a revision to the Comprehensive Design Plan (CDP-0102/01). A revised Type I Tree Conservation Plan, TCPI/47/96-01, was approved with CDP-0102; a revision, TCPI/47/96-02, was approved with CDP-0102/01, and a further revision, TCPI/47/96-03, was approved with Preliminary Plan 4-03080. Another preliminary plan was approved on January 13, 2005, for this site, 4-04174, and its associated TCPI/47/96-04. The Type I Tree Conservation Plan is for the entire 212 acres and has been revised with different phases of development, with this preliminary plan TCPI/47/96-05 is recommended for approval.

There are extensive areas of woodlands, streams, wetlands, 100-year floodplain, steep slopes, and severe slopes on this property. The principal stream on the site is a tributary of Mattawoman Creek in the Potomac River Watershed. According to the *Prince George's County Soil Survey*,

the soils found on the property include Bibb silt loam, Beltsville silt loam, Galestown gravelly loam, Keyport silt loam, and Sassafras gravelly sandy loam. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program publication entitled *Ecologically Significant Areas in Anne Arundel and Prince George's Counties*, December 1997, there are no rare, threatened, or endangered species found to occur in the vicinity of this lot. Traffic-generated noise from US 301 may impact portions of the property. The property is in the Developing Tier according to the adopted General Plan.

Environmental Review

Streams, wetlands, 100-year floodplains, and associated buffers are found throughout this property. The 100-year floodplain easement is shown on record plats VJ 186-63 and VH-186-64. No conservation easements are shown on any of the record plats. Streams, wetlands and associated buffers appear to be correctly shown on the plans submitted with this application. At the time of the final plat, a conservation easement should be described by bearings and distances except for the area that is located on the property to be conveyed to M-NCPPC. The conservation easement should contain the expanded stream buffer, excluding those areas where variation requests have been approved, and be reviewed by the Environmental Planning Section prior to certification.

During the review and approval of Preliminary Plan of Subdivision 4-96083 for the subject site (Outlot 3), variations to Section 24-129 and Section 24-130 of the Subdivision Regulations were approved for the proposed impacts to streams, stream buffers, 100-year floodplain, wetlands and wetland buffers associated with road crossings for Chadds Ford Drive and General Lafayette Boulevard. Modifications are proposed with this preliminary plan and have been evaluated below.

Review of Variation Requests

All disturbance not essential to the development of the site as a whole is prohibited within stream and wetland buffers. Essential development includes such features as public utility lines [including sewer and stormwater outfalls], streets, and so forth, which are mandated for public health and safety; Nonessential activities are those, such as grading for lots, stormwater management ponds, parking areas, and so forth, which do not relate directly to public health, safety or welfare. Impacts for essential development features require variations to the Subdivision Regulations.

One variation request was submitted for review. Approximately 3,902 square feet of wetland buffer and 4,735 square feet of impact to expanded stream buffer are proposed for the installation of a sanitary sewer line to serve the development. The variation request does not include the entirety of the impacts that will be necessary for the installation of the sanitary sewer line. An

additional 170 linear feet of expanded buffer impacts are needed to install the sanitary sewer line as shown.

The preliminary plan shows another impact to the expanded buffer for which a variation request was not submitted. A “proposed hiker/biker trail” is shown to cross a small portion of the expanded buffer. This impact is not necessary for the construction of the trail because it can be built completely outside of the expanded buffer. In addition, through the review of this preliminary plan, DPR has determined that the proposed master plan trail approved with CDP-0102/01 and reflected on CDP-0102/02 is located on the west side of General Lafayette Avenue and not on this property. Therefore, this impact should be removed from the preliminary plan and TCP. An additional impact is shown on the plans for the construction of Chadds Ford Drive. Chaddsford Drive was previously dedicated with the recordation of VJ 186@64. This impact was approved previously by the Planning Board and is not relevant to the review of this preliminary plan.

Section 24-130 of the Subdivision Regulations restricts impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Even if approved by the Planning Board, the applicant will need to obtain federal and state permits prior to the issuance of any grading permit.

Section 24-113(a) of the Subdivision Regulations sets forth the required findings for approval of variation requests. Section 24-113(a) reads:

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

Comment: The approval of the applicant’s request does not have the effect of nullifying the intent and purpose of the Subdivision Regulations. In fact, strict compliance with the requirements of Section 24-130 could result in practical difficulties to the applicant that could result in the applicant not being able to develop this property.

- (1) **The granting of the variation will not be detrimental to the public safety, health, or injurious to other property;**

Comment: The installation of sanitary sewer is required for public health. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with other regulations. These regulations require that the designs are not 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;**

Comment: The entire site has very little topographic relief that creates special engineering problems for the gravity flow of sewerage. These conditions combine into a set of circumstances that are not generally applicable to other properties.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance, or regulation;**

Comment: All of the proposed construction impacts are required by other regulations. Because the applicant will have to obtain permits from other local, state and federal agencies as required by their regulations, the approval of this variation request would not constitute a violation of other applicable laws.

- (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 strict letter of these regulations is carried out;**

Comment: The entire site has very little topographic relief that creates special engineering problems for the gravity flow of sewer service. The location proposed by the applicant is appropriate and necessary for the development of this property.

The Environmental Planning Section supports the requested variation for the installation of the sanitary sewer line connection for the reasons stated above.

A detailed forest stand delineation (FSD) was reviewed in conjunction with Preliminary Plan, 4-96083. That FSD was resubmitted with CDP-0102 and was found to address the requirements for an FSD in accordance with the *Prince George's County Woodland Conservation and Tree Preservation Technical Manual*. No further action regarding the FSD is required with regard to this preliminary plan of subdivision review.

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are existing woodlands and there are previously approved Type I and Type II tree conservation plans. The original CDP, preliminary plan, and TCP were approved so that permits could be issued for the construction of sewer and water lines from US 301 to Phase I of Brandywine Village along McKendree Road. At that time, TCPI/47/96 was reviewed and was found to satisfy the requirements of the Prince George's County Woodland Conservation Ordinance. This tree conservation plan covers the entire property and is revised as needed as each application requiring a Type I tree conservation plan is approved.

Traffic-generated noise impacts portions of the property. US 301 is the eastern boundary of the subject property. The noise model used by the Environmental Planning Section predicts that the 65dBA noise contour is 531 feet from the centerline of US 301. General Lafayette Boulevard is designed as a master plan collector roadway and should not be a significant source of traffic-generated noise. Chadds Ford Drive is designed as a 70-foot access road and should not be a significant source of traffic-generated noise. The preliminary plan and Type I tree conservation

plan should be revised to show the location of the 65 dBA Ldn noise contour. This contour may be based on the M-NCPPC noise model or a Phase I noise study submitted to and reviewed by the Environmental Planning Section. The property is not proposed to be developed with residential uses, however, the approved basic plan does not prohibit that. If the property is developed with residential uses, noise mitigation could be required with the SDP.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. The property will, therefore, be served by public systems.

5. **Community Planning**—The property is located within the limits of the 1993 Subregion V Master Plan and Sectional Map Amendment, Planning Area 85A in the Brandywine Community. The property is recommended for a variety of land uses as part of the Brandywine Special Study Area. The 1993 sectional map amendment reclassified this property from the M-A-C Zone to the R-M Zone by CR-60-1993, CDZ Amendment #2 for zoning application A-9878. The proposed preliminary plan is consistent with A-9878 for mixed-use development. The 2002 General Plan locates the property in the Developing Tier. One of the visions of the Developing Tier is to maintain suburban residential communities and mixed-use centers that are increasingly transit oriented. The proposed preliminary plan is consistent with this recommendation.

All development proposed for this site is subject to site plan review in comprehensive design plan application CDP-0102/02. Master plan development issues are addressed in the context of the CDP application review process. There are no additional master plan issues pertaining to this preliminary subdivision application

6. **Parks and Recreation**—The plans are in general conformance with the requirements of Basic Plan A-9878, CDP-0102/01&02, the adopted Sectional Map Amendment for Subregion V, (District Council Resolution No. CR-60-1993), the Land Preservation and Recreation Program for Prince George's County, and current subdivision regulations as they pertain to public parks and recreation.

FINDINGS

The subject preliminary plan is for local activity center in the approved Comprehensive Design Plan CDP-0102. According to Section 24-134(a) of the Prince George's County Subdivision Regulations, the above referenced subdivision is exempt from mandatory dedication of parkland requirements because it consists of nonresidential development. Outlot 3, zoned R-M, shall be evaluated at the time of review of the preliminary plan for the development of that portion of the property. If developed with residential uses, the specific design plan should determine if adequate recreation amenities and pedestrian connection are provided for adequate circulation.

The following is a summary of the previously approved conditions and findings that apply to park dedication and development of the L-A-C portion of the property:

Condition 2 of A-9878 states: “Conveyance of the stream valley of the tributary of Timothy Branch to MNCPPC as shown on Exhibit “B,”(exhibit of A-9878 file).

Comment: DPR staff recommends dedication of the tributary of Timothy Branch to MNCPPC for the future extension of the linear stream valley park as shown on the master plan. Plans shall be revised to reflect the changes as shown on attached DPR Exhibit A, (exhibit of preliminary plan file).

Condition-5 of A-9878 states: “The applicant shall construct an eight-foot-wide hiker/biker trail in the above referenced stream valley park from the northern to the southern end of the subject property. The applicant shall provide whatever structures necessary to insure dry passage along the trail.”

Comment: According to approved CDP-0102/01 plans, the master planned trail will be located on the western side of the master planned General Lafayette Boulevard from the northern to the southern end of the property. The master planned trail will connect the residential neighborhoods in the Chaddsford community and in the future will be extended to the residential communities on the south. CDP-0121/02 proposes no modification to this condition.

7. **Trails**—Prior approvals for Brandywine Village and Chaddsford include recommendations for trail and sidewalk facilities. These include a master plan trail along or parallel to Timothy Branch, a trail from the western portion of the subject site to the master plan trail, several internal trail connectors, and standard sidewalks along both sides of all internal roads.

SIDEWALK CONNECTIVITY:

Condition 10 of CDP-0102/01 requires standard sidewalks along both sides of all internal roads, unless modified by DPW&T at the time of issuance of street construction permits.

RECOMMENDATION:

A detailed analysis of pedestrian and trail facilities for the proposed L-A-C will be conducted at the time of specific design plan.

8. **Transportation**—The applicant proposes to develop the L-A-C portion of the property as a commercial development with 116,600 square feet of a mixed-retail center that would include a grocery store, small retail, a bank, gas station/convenience store, and restaurants. It is noted that the subject property is part of a larger area covered by a comprehensive design plan.

The most recent study prepared in this area was for Comprehensive Design Plan CDP-0102/02 in February 2004, and it was prepared in accordance with the methodologies in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*. That analysis has been used for the purpose of preparing findings and recommendations for the subject case, and a new traffic study was not required. 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.

Growth Policy—Service Level Standards

The subject property is located within the developing tier, as defined in the General Plan for Prince George's County. As such, the subject property is evaluated according to the following standards:

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

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

Staff Analysis of Traffic Impacts

The traffic impact study prepared and submitted on behalf of the applicant analyzed the following intersections:

- US 301/MD 5 and McKendree/Cedarville Roads (signalized)
- US 301/MD 5 and Chadds Ford Drive (future/signalized)
- US 301/MD 5 and Clymer Drive (signalized)
- Chadds Ford Drive and site access (future/unsignalized)
- Clymer Drive and site access (future/unsignalized)

Existing traffic conditions were based on traffic counts done in February 2004. Existing conditions within the study area are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/MD 5 and McKendree/Cedarville Rds.	1,225	1,876	C	F
US 301/MD 5 and Chadds Ford Drive	future			
Chadds Ford Drive and site access	future			
Clymer Drive and site access	future			
US 301/MD 5 and Clymer Drive	1,399	1,662	D	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The submitted traffic study provides an analysis for assessing the background traffic situation. This study considered the following:

- A 2.5 percent annual growth factor for through traffic along US 301/MD 5. This is consistent with past studies in the area. It is also consistent with historical data.
- Background development in the area, including several million square feet of industrial development within Employment Area C, as defined in the Subregion V master plan and located on the opposite side of US 301/MD 5.

Background conditions are summarized as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/MD 5 and McKendree/Cedarville Rds.	1,897	2,575	F	F
US 301/MD 5 and Chadds Ford Drive	2,251	2,559	F	F
Chadds Ford Drive and site access	future			
Clymer Drive and site access	future			
US 301/MD 5 and Clymer Drive	2,874	3,105	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

The site is proposed for a retail center of 116,600 square feet. The site trip generation needs further consideration, as the applicant has presented this proposal as a shopping center and

utilized standard retail trip generation rates. It is not uncommon at a specific design plan or detailed site plan stage for a number of specific uses to be shown on a plan, and many of these uses have specific rates of trip generation associated with them. In consideration that trip generation for shopping centers is measured at sites that include a variety of stores, eating establishments, and services, staff has determined during review of many other cases that overall square footage may be used for determining trip cap conformity. This would be done in lieu of computing separate trip quantities for each type of use. However, notwithstanding the determination that overall square footage is an appropriate measure for defining and eventually determining conformity with a trip cap, there are circumstances where more specific trip rates should be used. These circumstances would include:

1. Centers where a single large use is the dominant fixture in the retail center.
2. Centers having trip-intensive uses that are not normally found in a retail center. Such uses would include day care centers, private schools, gas stations, and movie theaters; however, the list is not limited to these.

The applicant, in both the traffic study and on the CDP, clearly describes a mixed-retail center that would include a grocery store, small retail, a bank, gas station/convenience store, and restaurants. While most of those uses can be treated within the context of a typical retail center, the gas station/convenience store use should be computed separately. Please note: This is not a suggestion that the gas station/convenience store use is inappropriate; rather, for the purpose of estimating trip generation and traffic impact, it is not a typical use and should be computed separately from the rest of the retail.

Trip Generation of Subject Plan			
Use	Quantity	AM Trips	PM Trips
Retail (assuming 50 percent pass-by)	112,600 square feet	84	365
Gas Station (assuming 12 fueling positions and 84 percent pass-by)	Assume 2,500 square feet	33	37
Total - As proposed on CDP-0102/02		117	402

Therefore, we obtain the following results under total traffic:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/MD 5 and McKendree/Cedarville Rds.	1,905	2,604	F	F
US 301/MD 5 and Chadds Ford Drive	2,260	2,622	F	F
Chadds Ford Drive and site access	14.4*	41.1*	--	--

Clymer Drive and site access	11.2*	17.0*	--	--
US 301/MD 5 and Clymer Drive	2,906	3,234	F	F
*In analyzing unsignalized intersections, average vehicle delay for various movements through the intersection is measured in seconds of vehicle delay. The numbers shown indicate the greatest average delay for any movement within the intersection. According to the guidelines, delay exceeding 50.0 seconds indicates inadequate traffic operations. Values shown as “+999” suggest that the parameters are beyond the normal range of the procedure, and should be interpreted as a severe inadequacy.				

In response to the inadequacies at both intersections within the study area, the applicant has indicated that the sole requirement is participation in the Brandywine road club. However, in addition to participation in the Brandywine road club, the applicant is also responsible for funding and constructing the intersection of US 301/MD 5 and Chadds Ford Drive, including the minor street approach, all turning lanes, and any needed signalization.

Beyond these requirements, however, the traffic study states that additional north/south lanes along US 301/MD 5 are needed to address the inadequacies, lacking the Brandywine road club. The study concludes by stating that such improvements are not reasonable. Therefore, the sole proffer made within the traffic study is the payment of money toward the Brandywine road club, and this proffer is consistent with previous approvals of this project and previous actions regarding this project that have been approved by the District Council.

Approval of the plan should be made conditional upon the assumed improvements at US 301/MD 5 and Chadds Ford Drive, as may be modified by SHA to provide the same or better service levels at that location, as well as participation in the Brandywine road clubb

Plan Comments

The subdivision plan is generally acceptable from the standpoint of access and circulation. Access and circulation were reviewed conceptually during review of the comprehensive design plan and will be reviewed in detail during review of a specific design plan. However, it should be noted that no access from this site onto US 301/MD 5 is proposed or will be supported, or is proposed.

The site is adjacent to US 301/MD 5, which is a master plan freeway facility, and General Lafayette Boulevard, which is a major collector facility within a 100-foot right-of-way. All required dedication has already occurred with past plans, and no further dedication is required of the subject plan.

Conformance to Prior Plans

This site was reviewed as Basic Plan A-9878 and CDP-0102/02, both of which were approved with several transportation-related conditions. The status of these conditions is summarized below:

A-9878:

Condition 13: This condition requires that the development participate in a road club to assist in funding the transportation improvements required for adequacy in the area. This lengthy condition sets the amount of payment for each type of land use. The condition also specifies a long list of improvements that are needed for adequacy in the area. The condition states that “the applicant’s sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment” of the appropriate road club fee. For retail/commercial the fee is set at \$1.24 per square foot (with the fee to be adjusted for inflation). The applicant has indicated a willingness to pay the appropriate road club fees at the time of building permit. This condition should be carried forward in its entirety to ensure that it is duly considered in future approvals.

Condition 14: This condition sets a trip cap on the site. The following land uses and trip generation have been approved to date:

<i>Application</i>	<i>Development Quantity</i>	<i>Status</i>	<i>AM Trip Generation</i>	<i>PM Trip Generation</i>
SDP-0109	11 detached	Built	8	10
4-03080	132 detached	Approved	99	119
4-04174	172 detached	Approved	129	155
4-04174	135 townhouse	Approved	95	108
Subject	81,600 sq. ft.	Approved	117	402
Total			448	794

The remaining area for development under A-9878 is the E-I-A portion of the site. Over 600 AM and 700 PM trips remain under the cap for future use.

Conditions 15 and 16: These conditions require that adequate dedication be shown along certain master plan facilities within and adjacent to the site. These conditions are enforceable at the time of subdivision, and adequate rights-of-way have been dedicated.

Condition 17: This condition requires that the applicant provide needed signalization at the US 301/MD 5 and Chadds Ford Drive intersection. This signalization will be reflected in the recommended conditions.

Condition 18: This condition provides for the potential future closure of the site’s access to US 301/MD 5 in the event that (a) other street connections are available and (b) SHA requests removal of the traffic signal at US 301/MD 5 and Chadds Ford Drive. This condition is not affected by the CDP, but should be carried forward to ensure that it is duly considered in future approvals.

Condition 19: This condition requires that three street connections shown on the basic plan be retained. The street connections are not in the area under consideration on the

current preliminary plan, and have been fully addressed by other plans.

Condition 25: This condition requires that the CDP show future connections to the north and to the south. The CDP for this site does show the integration of this site with an adjacent commercial property to the south with access and an extension of the use. Therefore, the intent of this condition is accomplished, and nothing on this preliminary plan precludes future internal connections. This will be more fully evaluated when the specific design plan is reviewed in the future.

CDP-0102/02:

This plan is currently pending before the Planning Board, with a hearing scheduled for January 20, 2005. The subject plan has no inconsistencies with the pending plan, and generally conforms to past versions of CDP-0102 as well.

Based on the above information, from the standpoint of transportation the submitted plan is in conformance to the approved basic plan and comprehensive design plan.

Based on the preceding findings, adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded that the subdivision is exempt from review for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of fire and rescue facilities and concluded the following:

Fire and Rescue

- a. The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.25 minutes, which is beyond the 3.25-minute travel time guideline.
- b. The existing ambulance service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.25 minutes, which is within the 4.25-minute travel time guideline.
- c. The existing paramedic service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road has a service travel time of 4.25 minutes, which is within the 7.25-minute travel time guideline.
- d. The existing ladder truck service at Marlboro Fire Station, Company 45, located at 7710 Croom Road has a service travel time of 12.17 minutes, which is beyond the 4.25-minute

travel time guideline.

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George's County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

The above findings are in conformance with the standards and guidelines contained in the *Approved Public Safety Master Plan* (1990) and the *Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities*.

11. **Police Facilities**—The proposed development is within the service area for Police District V-Clinton. The Planning Board's current test for police adequacy applicable to this application is based on a standard for square footage in police stations relative to the number of sworn duty staff assigned. The standard is 115 square feet per officer. As of January 2, 2004, the county had 823 sworn staff and a total of 101,303 square feet of station space. Based on available space, there is the capacity for an additional 57 sworn personnel. This police facility will adequately serve the population generated by the proposed subdivision.
12. **Health Department**— The Health Department has no comments.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, #21274-2003-01, 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.
14. **A-9878 (CR-60-1993)**—The approved basic plan establishes design goals that will be evaluated with the review of the SDP and set forth in CDP-0102/02. A number of circulation and recreational facilities conditions have been addressed with the CDP and will be addressed further with the review of the SDP. The SDP for this portion of the property shall ensure appropriate pedestrian connections with the residential portions of the property through the use of sidewalks.

Conditions 15 and 16 specifically relate to the development of this property and require right-of-way dedication at the time of final plat. The preliminary plan is consistent with the dedication required.

Condition 20a required that the basic plan identify a ten-acre elementary school site. This site was identified within the limits of Preliminary Plan 4-04174 to the northwest within the R-M-zoned portion of the property. With the review of that preliminary plan, the Board of Education declined the reservation of land and the school site will not be held in reservation or be dedicated by the applicant.

Condition 20b requires in part that in the event that an alternative school site is selected, the L-A-C

or R-M Zones may be considered as alternative locations for the proposed library site. The Public Facility Planning Section, in review of CDP-0102/02, stated that the Library Board has not expressed any need for additional library sites within the subject property and determined that the Baden Branch, 13603 Baden-Westwood Road, is within the subject study area and provides it with adequate library service. The Baden branch is a 2,500-square-foot facility, which has a collection capacity of 7,000 volumes. In addition, within an acceptable five-mile radius of the proposed project is the Accokeek branch. The subject study area has good access to these facilities and is well served by them.

Other Considerations—Requirements of the CDP that are applicable to this portion of the property and that should be considered with the review of the SDP are as follows:

1. The applicant shall work with the Police Department to determine if a Community-Oriented Police Office is warranted within the community.

Comment: At the time of review of the SDP a determination should be made if office space should be made available to the Police Department for a Community Police Station.

2. The applicant shall employ the use of audible alarms, fencing and private security to prevent crimes during the construction phase of development.

Comment: Conditions should be established at the time of review of the SDP to ensure conformance.

15. **Historic**—The Planning Board has determined that the possible existence of slave quarters and slave graves on certain properties must be considered in the review of development applications and that potential means for preservation of these resources should be considered. Review of Historic Preservation office files indicates that there may be archeological resources of the antebellum period in the area of the subject site. This land is close to and may be part of the antebellum J. F. Townsend property. A recorded archeological site known as 18PR416, a late 18th to early 19th century farmstead, is located within the project area.

It is possible the site was actively farmed and it is also possible that there were slave dwellings, and slave burials, on this property. Documentary and archeological investigation should be required to determine whether there exists physical evidence of slave dwellings or burials.

With the submittal of the specific design plan (SDP) and prior to any disturbance occurring on this property, the applicant should submit a Phase I archeological investigation to the Planning Department staff for review and concurrence, and if determined to be needed, a Phase II and Phase III investigation. If necessary, the SDP and final plat should provide for the avoidance and preservation of the resources in place and should provide appropriate protections and plat notes ensuring the mitigation of any adverse effect upon these resources. All investigations must be conducted by a qualified archeologist and must follow *The Standards and Guidelines for Archeological Investigations in Maryland* (Schaffer and Cole: 1994) and must be presented in a report following the same guidelines.

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.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Vaughns and Hewlett voting in favor of the motion, and with Commissioner Eley absent at its regular meeting held on Thursday, January 27, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 17th day of February 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:WC:rmk