

R E S O L U T I O N

WHEREAS, a 21.31-acre parcel of land known as Lots 1-3, Block A of the Brandywine 301 Industrial Park (Plat Book REP 203, Plat 51), Tax Map 155 in Grid A-4, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned ; and

WHEREAS, on December 20, 2006, FCD Development, LLC. filed an application for approval of a Preliminary Subdivision Plan (Staff Exhibit #1) for 4 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Subdivision Plan, also known as Preliminary Plan 4-06031 for Brandywine Crossing 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 March 8, 2007, 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 March 8, 2007, 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/26/91-01), and further APPROVED Preliminary Plan of Subdivision 4-06131, Brandywine Crossing, for Parcels 1, 2, 2A and 3 with the following conditions:

1. Prior to final plat approval, a revised TCPII shall be approved. Any approved afforestation areas shown shall be placed in conservation easements at time of final plat. If afforestation is proposed, the planting and associated permanent protection fencing shall be installed prior to the issuance of building permits for adjacent lots. A certification prepared by a qualified professional shall be used to provide verification that the afforestation has been completed. It must include, at a minimum, photos of the afforestation areas and the associated fencing for each lot, with labels on the photos identifying the locations and a plan showing the locations where the photos were taken.

2. 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 (TCPI/26/91-01), 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 Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved tree conservation plans for the subject

property are available in the offices of The Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department.”

3. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated Patuxent River Primary Management Area and all afforestation or reforestation areas, except for any areas of approved impacts and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. 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.”

4. Prior to the issuance of any permits which impact 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.
5. Development of this site shall be in conformance with Stormwater Management Concept Plan 18772-2006 and any subsequent revisions.
6. 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.
7. Direct vehicular access to US 301/MD 5 shall be prohibited from all lots.
8. The applicant and/or the applicant's heirs, successors, or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Wards Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area “C” in the Subregion V Master Plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be the payment of the following:

A fee calculated as \$2.07 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.

9. Following the connection of Matapeake Business Drive to the A-63 facility and the opening to traffic of A-63 between Matapeake Business Drive and another public street providing access to US 301/MD 5, the applicant, successors, or assignees shall construct channelization at the US 301/MD 5/Matapeake Business Drive/Clymer Drive intersection which will prohibit the following movements (unless at that time, SHA requires different improvements):

- a. Left turn from southbound US 301/MD 5 onto eastbound Matapeake Business Drive
- b. Left turn from westbound Matapeake Business Drive onto southbound US 301/MD 5
- c. Eastbound through
- d. Westbound through

In the event that a traffic signal has been installed at this location following approval of this plan, and modification or removal of the signal is required as directed by SHA following installation of the channelization, such modification or removal shall be at the sole expense of the applicant, his successors, or assignees.

10. The access easement depicted across proposed Parcel 3, Block A between Matapeake Drive and the Schwen property shall be reflected on the record plat. This access easement shall be used by the Schwen Property only in the event that access to US 301/MD 5 is not permitted.
11. 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 dual northbound left-turn lanes.
 - b. Along US 301/MD 5 at Clymer Drive/Matapeake Business Drive, dual northbound left-turn lanes.
 - c. Along US 301/MD 5 at Clymer Drive/Matapeake Business Drive, dual southbound left-turn lanes.
 - d. Along the Matapeake Business Drive approach (westbound) to US 301/MD 5, widen to provide a four-lane approach, including a right-turn lane, a shared through/left-turn lane, and dual exclusive left-turn lanes. The eastbound roadway shall be widened to receive two left-turn lanes.
12. Total development of the overall Brandywine 301 Industrial Park site (the areas covered by Preliminary Plan of Subdivision 4-97124) shall be limited to uses that would generate no more

than 794 AM and 1,440 PM peak-hour vehicle trips. Areas containing C-S-C zoning as of the date of the resolution approving this plan shall be limited to uses that would generate no more than 250 AM and 896 PM peak hour vehicle trips. Areas containing I-3 or I-1 zoning as of the date of the resolution approving this plan shall be limited to uses that would generate no more than 544 AM and 544 PM peak-hour vehicle trips. Any development generating an impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

13. As a means of ensuring that the revision of the trip cap, as understood on the date of the plan approval, is properly applied to all portion of lands covered by Preliminary Plan of Subdivision 4-97124, at the time of the final plat for the subject plan, Condition 12 above shall be added as a note to all future site plans within Brandywine 301 Industrial Park (plats 191-098, 195-006, 198-028, 198-051, 203-050, and 203-051) with an indication that this condition supersedes Condition 11 of Prince George's County Planning Board resolution number 98-84.
14. A note shall be added to the preliminary plan stating that the proposed ingress/egress easement to serve Parcels 1 and 2 is in accordance with Section 24-128(b)(15) of the Subdivision Regulations.

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 at the southeast corner of the intersection of US 301 and Matapeake Business Drive. It is part of the Brandywine 301 Business Park that is subdivided into large parcels with infrastructure in place. Access to the business park and subject property is from Matapeake Business Drive, which has a signalized intersection with US 301/MD 5.

The subject site comprises three parcels south of Matapeake Business Drive, one of which has most recently been used for vehicle and trailer auctions. The following land uses surround the subject property.

North: Approximately 18 subdivided lots in the I-3 Zone along the east side of US 301/MD 5 that are partially developed with dwellings, some of which have been converted to business use. To the rear of these lots and north of the I-1-zoned portion of the subject property are several large parcels in the I-1 Zone that are used for modular building/trailer storage and lease. North of these parcels and Timothy Branch Drive (paper street) are a variety of small parcels used for vehicle storage, repair and salvage operations in the I-3 and I-1 Zones.

East: Undeveloped parcels within the Brandywine 301 Industrial Park in the I-1 Zone, followed by undeveloped land in the I-2 Zone.

South: I-1-zoned properties developed with miscellaneous commercial service uses and a large

warehouse in the I-1 Zone.

West: US 301/MD 5.

3. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

	EXISTING	PROPOSED
Zone	C-S-C	C-S-C
Use(s)	Vacant	Retail Commercial (166,000 square feet)
Acreage	21.31	21.31
Lots	0	0
Parcels	3	4
Public Safety Mitigation Fee		No

4. **History**—The 1978 Brandywine-Mattawoman Sectional Map Amendment (SMA) rezoned the subject site from the R-R (Rural Residential) Zone to the E-I-A (Employment-Industrial-Area) Zone. In 1985, the site was rezoned with conditions through zoning map amendment A-9502-C from the E-I-A Zone to the I-1 and I-3 Zones. The following conditions were also approved:

- “1. **No corrugated metal or cinder block structures shall be visible from either MD Route 301 or Cedarville Road.**
- “2. **All lots fronting on Cedarville Road shall conform to the development standards of the I-3 Zone.**
- “3. **The initial 25 feet along the entrance road to the subject premises be landscaped and planted with trees.”**

In 1982, the District Council granted approval of Special Exception SE-3272 on the northern portion of the Brandywine 301 Industrial Park for the excavation of sand and gravel. At that time, the southern portion was already an active sand and gravel operation under Special Exception SE-3064.

The 1993 Subregion V Approved Master Plan and Sectional Map Amendment retained the property in the I-1 and I-3 zoning categories.

The larger 170.5-acre parcel, known as Brandywine 301 Industrial Park, was subdivided as part of 4-91030 (PGCPB No. 91-256). Parcels 1 through 6, Block A and Parcels 1 through 6, Block B of the Brandywine 301 Industrial Park are contained in Plat Book 203-51, pursuant to Preliminary Plan 4-97124, which made minor changes to the prior approval. Several conditions were imposed, some of which are discussed in detail in the sections that follow.

In 2006, zoning map amendment ZMA-9980-C rezoned the subject property from the I-3 Zone to the C-S-C Zone and was approved subject to the following conditions:

1. Development of the site shall conform with the approved Tree Conservation Plans (TCPI/26/91 and TCPII/133/91).

Comment: TCPI/26/91 will be revised as part of the current application, and a revised TCPII will be required at the of detailed site plan review.

2. Detailed Site Plan approval is required before issuance of building and grading permits, to ensure compatibility with surrounding industrially zoned properties and conformance with the purposes of the C-S-C Zone.”

Comment: Detailed site plans will be required for the C-S-C-zoned portion of this property in satisfaction of this condition.

5. **Environmental**—A review of the available information indicates that no streams, 100-year floodplain, or nontidal wetlands are found to occur on the area of subdivision, although a small area of expanded buffer due to severe slopes is found on proposed Parcel 3. Crain Highway is classified as a freeway and is a nearby source of traffic-generated noise. The soils found to occur according to the “Prince George’s County Soil Survey” are in the Beltsville, Bibb, Chillum, Galestown, Leonardtown and Sassafras soil series. Some of these soils are hydric and may be affected by perched water tables, impeded drainage, and poor drainage. According to available information, Marlboro clay does not occur on or in the vicinity of this site. According to the Sensitive Species Project Review Area (SSSPRA) map received from the Maryland Department of Natural Resources Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of this property. There are no designated scenic and historic roads in the vicinity of this application. This property is located in the Mattawoman Creek watershed of the Potomac River basin and in the Developing Tier as reflected in the approved General Plan. According to the approved Countywide Green Infrastructure Plan, the site contains regulated areas, evaluation areas and network gaps.

Conformance with the Master Plan

The subject property is located within the Subregion V Approved Master Plan and Sectional Map Amendment (1993). The protection of environmental features is in conformance with the guidance provided by the master plan and as approved at time of the previous approval of the preliminary plan, Type I and Type II tree conservation plans.

Conformance with the Countywide Green Infrastructure Plan

The site contains regulated areas, evaluation areas, and network gaps identified in the *Countywide Green Infrastructure Plan*, which are consolidated along the stream corridor located along the eastern and southern borders of this site. Much of the site has already been cleared under previous approvals; however, the current TCPI shows preservation to be provided adjacent to the Regulated areas, and provides conformance, to the maximum extent possible, with the *Countywide Green Infrastructure Plan*.

Conditions of Prior Preliminary Plan Approvals

The Subdivision Section has determined that the addition of Long's Subdivision, Lots 19-23, will require the approval of a new preliminary plan because development in excess of 5,000 square feet is proposed, pursuant to Section 24-111(c). A new preliminary plan is not required for the development of the Brandywine 301 Industrial Park parcels in accordance with the conditions of Preliminary Plan 4-97124. However a new preliminary plan is required if any of the conditions of PGCPB No. 98-84 are proposed to be changed.

The 170.5-acre parcel known as Brandywine 301 Industrial Park was subdivided as part of 4-91030 (PGCPB No. 91-256). Parcels 1–6, Block A and Parcels 1–6, Block B of the Brandywine 301 Industrial Park are recorded at Plat Book 203-51, pursuant to Preliminary Plan 4-97124, which made minor changes to the prior approval. The following conditions of approval of the preliminary plan (4-97124, PGCPB 98-84) are environmental in nature:

1. **Development of this site shall be in conformance with the approved Type I Tree Conservation Plan (TCPI/26/91) as revised.**

Comment: TCPI/26/91 is being revised under the current application to include additional area and to show how the woodland conservation requirement will be met for the entire acreage now included.

2. **The following note should be on the Final Plat of Subdivision:
“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/26/91), or as modified by the Type II Tree Conservation Plan, which precludes disturbance or installation of structures within specified areas. Failure to comply with an approved Tree Conservation Plan is a violation requiring mitigation under the woodland Conservation/Tree Preservation Policy and Subtitle 25.”**

Comment: Any plat filed pursuant to the approval of this subdivision application shall include a plat note referring to the appropriate TCP number.

3. **Prior to Detailed Site Plan approval, the applicant shall revise the Type II Tree Conservation Plan for the property to address the requirements as established by TCPI/26/91.**

Comment: Revisions to the Type II Tree Conservation Plan (TCPII/133/91) to address the revised requirements of TCPI/26/91-01 will be addressed during the concurrent detailed site plan review.

4. **Prior to Detailed Site Plan approval for Parcel 1, Block A and Parcels 1 & 2 Block B, the applicant shall demonstrate to the satisfaction of the Natural Resources Division that the noise levels for all interior office space does not exceed 55 dBA.**

Comment: This condition should be applied at time of DSP for the parcels fronting on Crain Highway. This condition may also be appropriately applied to a new preliminary plan for Long's Subdivision, Lots 19–23, which also fronts on Crain Highway. The Natural Resources Division is now known as the Environmental Planning Section, within the Countywide Planning Division.

5. **Prior to the issuance of any grading permits which impacts wetlands, wetland buffers or streams, the applicant shall provide the Natural Resources Division with copies of all require Federal and/or State authorizations (permits) for these disturbances.**

Comment: MDE Permit No. 97-NT-0870 previously authorized wetland impacts for this development, but that approval has expired. Parcels 1, 2A and 2B include areas of wetlands and wetland buffers that require active permits if disturbance is proposed. This condition should be carried forward.

22. **Prior to submission of the final plat, a floodplain study shall be approved by the Department of Environmental Resources (DER), Watershed Protection Branch.**

Comment: This condition was addressed prior to the platting of Brandywine 301 Industrial Park.

Natural Resources Inventory

The preliminary plan application has a signed natural resources inventory (NRI/158/06) that was included with the application package. The TCPI and the preliminary plan show all the required information in conformance with the signed NRI.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland Conservation Ordinance because there are previously approved tree conservation plans for the site. A revision to the approved Type I Tree Conservation Plan (TCPI/26/01), stamped as submitted on January 29, 2007, was submitted with the preliminary plan application to expand the area of the original TCPI, and has been reviewed. The gross tract area of the TCPI is now 170.19 acres, which encompasses all parcels of the original TCPI and additional lots from Long's Subdivision. The Woodland Conservation Threshold for the overall site is 22.76 acres, based on a 15 percent woodland conservation threshold in the I-3, I-1 and C-S-C Zones.

The total amount of required woodland conservation based the proposed clearing of 8.43 acres on-site and 1.25 acres of off-site clearing, is 26.11 acres.

The TCPI as currently designed, proposes to meet the requirement with 21.51 acres of on-site preservation, and 4.60 acres of off-site mitigation. The previously approved TCPI proposed no

off-site mitigation. The off-site woodland conservation requirement is largely the result of expanding the limits of the TCPI to include the wooded lots of Long's Subdivision and the proposed developed of these lots with an integrated shopping center. Because the other lots within the TCPI have been sold, were previously developed, or are not included in this preliminary plan, the additional woodland conservation requirement cannot be provided elsewhere on the site.

The provision of off-site woodland conservation mitigation should therefore be fulfilled with the development and grading of Detailed Site Plan DSP-06077. There may be potential for the provision of afforestation on-site, which should be considered during the preparation of the TCPII in order to reduce the off-site mitigation requirement.

Afforestation

If afforestation is proposed in the future to fulfill woodland conservation requirements on this site, it must be protected after planting, so that the area may mature into perpetual woodlands. Permanent tree protection devices, such as two-rail split fences or equivalent, should protect any afforestation areas and all afforestation should be placed in conservation easements at time of final plat. Afforestation areas should also be planted prior to the issuance of the adjacent building permit(s) in order to ensure the longevity of the planted areas.

Environmental Impacts

Wetlands, streams, and 100-year floodplains are found to occur on this property. These features and the associated buffers comprise the expanded buffer on the subject property in accordance with Section 24-101(b)(10) of the Subdivision Ordinance. The Subdivision Ordinance mandates that the expanded buffer be preserved unless the Planning Board approves a variation. Staff generally recommends approval of buffer impacts for unavoidable impacts such as the installation of public road crossings and public utilities, if they are designed to preserve the expanded buffer to the fullest extent possible. Staff generally does not recommend approval of expanded buffer impacts for lots, structures or septic field clearing and grading when alternative designs would reduce or eliminate the impacts.

No impacts to the expanded buffer have been identified and no variations have been requested with this application. Impacts to wetlands and wetland buffers were previously approved for the construction of Matapeake Business Drive.

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 be served by public systems.

6. **Community Planning**—The subject property is located in Planning Area 85A/Brandywine (Employment Area C) and is subject to the recommendations of the 1993 Approved Subregion V

Master Plan. This application does not conform to the recommendations of the master plan for employment/industrial land use, however, it does conform to land uses allowed in the C-S-C Zone, as approved by rezoning application A-9980, approved by the District Council on September 26, 2006.

The 2002 General Plan places this site in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban residential communities, distinct commercial centers, and employment areas that are increasingly transit serviceable. This application is also in the area identified as a possible future center for Brandywine. The policy for centers is to promote development of mixed residential and nonresidential uses at moderate to high densities and intensities in context with surrounding neighborhoods and with a strong emphasis on transit-oriented design. This application is not inconsistent with the 2002 General Plan Development Pattern policies for a possible future center in the Developing Tier.

7. **Parks and Recreation**—In accordance with Section 24-134(a) of the Subdivision Regulations the subject subdivision is exempt from mandatory dedication of parkland requirements because it proposes nonresidential development.
8. **Trails**—The adopted and approved Subregion V Master Plan recommends a master plan trail along Timothy Branch. The approved preliminary plan accommodated this master plan trail through the provision of a trail easement. Condition 21 of 4-97124 (PGCPB 98-94) requires the following:

“21. A trail easement shall be established and shown on the Final Plat of Subdivision along the Timothy Branch. The trail may be located within the 50-foot conservation buffer if determined appropriate at the time of Detailed Site Plan review. The trail location shall provide dry passage outside the wetlands and the 100-year floodplain to the extent possible.

Comment: This easement was reflected on Record Plat 203-51 and discussed in Plat Note 12, which requires the following:

“12. The 65 foot wide area is reserved by this plat to accommodate the 50 foot wide floodplain buffer and a 15 foot wide trail easement, location of which shall be approved at the time of Detailed Site Plan. The trail easement shall be described by metes and bounds and recorded by deed prior to the issuance of building permits for each lot it crosses. If the trail is permitted to be located within the buffer area, the 15 foot reserved area may be used as buildable area.”

Comment: The easement appears to be accurately reflected on the submitted preliminary plan and is in conformance with Record Plat 203-51 and PGCPB 98-94. No additional trail recommendations are made at this time.

9. **Transportation**—The applicant proposes a commercial development of retail uses. The site encompasses three recorded parcels of Brandywine 301 Industrial Park, and these were created

pursuant to Preliminary Plan 4-97124.

Primarily because the applicant wished to expand the trip cap for 4-97124, a traffic study was prepared. The resulting study has been referred to the County Department of Public Works and Transportation (DPW&T) and the Maryland State Highway Administration (SHA). Therefore, the findings and recommendations outlined below are based upon a review of these materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” and in consideration of findings made in connection with past applications.

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 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 Chadds Ford Drive (signalized)
- US 301/MD 5 and Clymer Drive/Matapeake Business Drive (signalized)

Existing traffic conditions were based on traffic counts taken in September 2006. Existing conditions within the study area are summarized as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
US 301/MD 5 and Chadds Ford Drive	1,427	1,603	D	F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,419	1,593	D	E

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

- A 3.0 percent annual growth factor for through traffic along US 301/MD 5. This is slightly higher than has been used by past studies in the area. However, it is consistent with historical data.
- Background development in the area. It should be noted that approximately 6.5 million square feet of approved industrial development within Employment Area C, as defined in the Subregion V Master Plan, has expired without recordation and is not included. It is also noted that the study includes about 2,350 residences in background, while approximately 900 is more appropriate given the size of the study area and the pace of construction that has occurred in recent years.

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 Chadds Ford Drive	1,873	2,021	F	F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,685	2,249	F	F

The site and adjoining property to the north are proposed for a retail center of 497,000 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 methodology will be used in lieu of computing separate trip quantities for each type of use.

The site is a part of a larger application that has preliminary plan approval under 4-97124, and has been recorded. The traffic study has computed the proposed trip generation for the retail center, which is about 30 percent of the overall acreage for 4-97124. It assumes that the retail center would absorb about 30 percent of the overall vested trip cap, keeps the remaining 70 percent of the vested trip cap available to the nonretail portion of 4-97124, and requests that the overall trip cap be increased to allow full development of the retail center.

This approach appears sound. It can be noted that several site plans have been filed that have consumed a portion of the trip cap within the area of 4-97124, but each of these site plans have occurred outside of the area of the retail center, and so any trips generated by those site plans

would appropriately be offset against the cap associated with the residual of 4-97124. The trip generation is summarized below:

Trip Generation of Subject Plan			
Use	Quantity	AM Trips	PM Trips
Brandywine Crossing retail (assuming 40% pass-by)	497,800 square feet	250	896
Brandywine 301 Industrial Park, 4-97124—entire trip cap	1,638,920 square feet	778	779
4-97124 portion within Brandywine Crossing area—53 acres	TBD	234	235
4-97124 portion outside of Brandywine Crossing area—123 acres	TBD	544	544
Needed increase in trip cap		16	661
Total Trip Cap for Area of 4-97124		794	1,440

The traffic study includes computations that include (a) only the existing site access point at US 301/MD 5 and Matapeake Business Drive and (b) add a new full-movement access point to the site by creating a fourth leg to the existing US 301/MD 5 and Chadds Ford Drive intersection. What makes this analysis (and its presumed request) unusual is that the traffic study is attempting to provide justification for a street access to US 301/MD 5 that is not within the area of the subdivision. Therefore, in analyzing total traffic the transportation staff has little choice but to treat that possible street connection as an off-site transportation improvement, and assume for the basis of total traffic that ONLY the existing site access point is present. With that assumption, the following results under total traffic are obtained:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (AM & PM)	
US 301/MD 5 and Chadds Ford Drive	1,879	2,129	F	F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	2,051	2,683	F	F

In response to the inadequacies at both intersections within the study area, the applicant has proffered improvements at both intersections, the provision of a second full-movement access point into the site (as briefly discussed above) and participation in the Brandywine Road Club. Each of these items is discussed in a little more depth below:

1. The improvements at both intersections would involve double-left-turn lanes both northbound and southbound, along with the widening of Matapeake Business Drive approaching US 301/MD 5 to provide four westbound lanes. With these improvements

in place, the following service levels are obtained:

Intersection	Critical Lane Volume (AM & PM)	
US 301/MD 5 and Chadds Ford Drive	1,879/F	2,054/F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,816/F	2,256/F

2. The second full-movement access point from US 301/MD 5 is proposed opposite the existing Chadds Ford Drive intersection. US 301/MD 5 is a planned freeway facility, and driveway or street access would be in direct conflict with the recommendations of the Subregion V Master Plan. Freeway facilities are intended to be limited access facilities with grade separations at all proposed points of access. New access points have been allowed through the preliminary plan process for the subject site and for the Brandywine Village property across US 301/MD 5. But these new streets were approved to access US 301/MD 5 only in the context of a new street being proposed by that plan, and with specific conditions for its eventual closure in the future included within the preliminary plan approval. Both access points eventually gained full SHA support. In this circumstance, the second access point has not been proposed on a preliminary plan; it would be an off-site condition associated with the current plan. As such, the Planning Board's authority would end with the implementation of this street connection, and eventual closure would occur solely under the purview of SHA. From a planning perspective, the imposition of this street connection as an off-site condition by the Planning Board would violate the county's own master plan for US 301/MD 5, and the Planning Board would hold no future recourse to bring the site back into conformance in the future. With the improvements in (1) above plus this full-movement street connection in place, the following service levels are obtained:

Intersection	Critical Lane Volume (AM & PM)	
US 301/MD 5 and Chadds Ford Drive	2,060/F	2,059/F
US 301/MD 5 and Clymer Drive/Matapeake Business Drive	1,692/F	2,130/F

The analyses noted above indicate that the new access point would deteriorate service levels at the existing Chadds Ford Drive intersection while slightly improving service levels at the current entrance to the site. The statement in the traffic study that the secondary site access will cause the study area intersections to "generally operate with better levels of service" is not compelling. Combined with the issue of a master plan violation, the use of the second full-movement access point is not supported by staff. Allowing limited turning movements (i.e., right-in right-out) might slightly allay the deterioration of the level of service at the Chadds Ford Drive intersection, but it would not resolve the master plan issue that has been identified.

3. The Brandywine Road Club has posed several issues for the Planning Board in the past,

and these issues are briefly summarized below:

- a. The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 1900, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.
- b. Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the Subregion V Master Plan. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined by staff that the subject property is not technically along the identified section of US 301/MD 5. It is recognized that the subject property is along US 301 and MD 5 within the section designated above. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the Council Resolution.
- c. The site included under the current preliminary plan was subdivided under applications 4-91030 and 4-97124 conditional upon contribution to the Brandywine Road Club. The Road Club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The Road Club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the Brandywine Road Club as a means, in part, of finding adequacy for the expanded trip cap would be acceptable. Nonetheless, the traffic study indicates that the first 56,280 square feet of development are exempt from the Road Club fees as a credit for the construction of a portion of on-site infrastructure. This credit is not discussed or clarified elsewhere in the study, is not referenced in the resolution approving 4-97124, and must be agreed upon between the applicant and DPW&T when permits are required.

For these reasons, it is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described under (1) above are constructed and there is participation in the Brandywine Road Club.

Comments from DWP&T have not been received to date. SHA comments are included with this report. The SHA memorandum clearly states that SHA will not support a second access point from US 301/MD 5 opposite Chadds Ford Drive, and this is consistent with the Transportation Planning Section determination. SHA correctly continues by stating that the improvements proposed at the two study area intersections do not create adequate intersection operations. SHA also noted that the use of the Brandywine Road Club by the applicant would not provide adequate operations. It should be noted, however, that the District Council has allowed the use of the Brandywine Road Club as a means for approving development within a very specific area. This has been permitted, in part, due to the effect of through traffic from outside of Prince George's County.

Plan Comments

The site is adjacent to US 301/MD 5, which is a master plan freeway facility, and Matapeake Business Drive, which is an industrial/commercial facility within a 70-foot right-of-way. All required dedication has already occurred with past plans, and no further dedication is required of the subject plan unless otherwise needed to construct needed improvements.

There remain a number of transportation-related conditions on the current underlying subdivision, Preliminary Plan 4-97124, that may or may not be appropriate to attach to the current subdivision. The status of these conditions is summarized below:

- 6c. Prohibits direct vehicular access to US 301 from all lots. This subdivision has been reviewed in that context, and the condition should be made a part of the current approval.
- 10. Requires that the applicant contribute to a number of transportation improvements in the area on a pro-rata basis. This is the Brandywine Road Club condition that has been discussed at length previously in this memorandum, and it is being made a part of this approval as well.
- 11. Establishes a trip cap for the overall property of 778 AM and 779 PM peak hour trips. This subdivision and traffic study have been filed in a large part to expand that trip cap. Nonetheless, once the trip cap is rewritten into a resolution approving the subject subdivision, even though the applicant intends that it apply to the entire area of preliminary plan 4-97124 it can only apply to the area of the subject preliminary plan. In order to apply to all portion of 4-97124, this condition must be applied to all record plats within the Brandywine 301 Industrial Park (plats 191-098, 195-006, 198-028, 198-051, 203-050, and 203-051) must be rerecorded with a revision of Condition 11 on them.
- 12. Requires dedication along the future alignment of A-63. The portion of the site where

this dedication would occur is not a part of the current preliminary plan, and is not needed for the current approval.

13. This condition is essentially a restatement of Condition 6c, and is not needed for the current approval.
14. Requires the study of signalization at the intersection of US 301/MD 5 and Matapeake Business Drive/Clymer Drive. The required signal was warranted and is installed and operational; therefore, this condition need not be carried forward.
15. Requires the construction of a roadway connection between the subject property and A-63 to the northeast. The portion of the site where this dedication would occur is not a part of the current preliminary plan, and is not needed for the current approval.
16. Requires the median closure at US 301/MD 5 and Matapeake Business Drive in the event that an alternative connection to US 301/MD 5 is available. The redirection of traffic away from the current traffic signal at this location is an essential part of the master plan recommendations for US 301/MD 5 and is also an essential part of the use of the Brandywine Road Club for finding transportation adequacy within the study area. Therefore, this condition should be carried forward as a part of any approval for this site.
17. Requires dedication along the frontage of US 301/MD 5. The needed right-of-way has previously been dedicated; therefore, this condition need not be carried forward.
18. Requires accommodation of a street connection between Matapeake Drive and Long's Subdivision, which abuts the 4-97124 subdivision on the west. The portion of the site where this dedication would occur is not a part of the current preliminary plan, and is not needed for the current approval.
20. Requires accommodation of a vehicular connection between Matapeake Business Drive and the Schwein Property, which abuts the overall 4-97124 property on the south, under certain conditions. The subject subdivision is the portion adjacent to the Schwein Property. The plan shows this easement relocated slightly. This relocation is supported, and the condition should be carried forward with the current approval.

Transportation Staff Conclusions

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 conditions consistent with the above findings.

10. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003 and concluded the proposed development is

exempt from the review for schools because it is a commercial use.

11. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section have reviewed this subdivision for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)-(E) of the Zoning Ordinance.

The existing fire engine service at Brandywine Fire Station, Company 40 located at 14012 Brandywine Road has a service travel time of 5.70 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ladder truck service at Clinton Fire Station, Company 25 located at 9025 Woodyard Road has a service travel time of 10.40 minutes, which is beyond the 4.25-minute travel time guideline.

The existing paramedic service at Brandywine Fire Station, Company 40 located at 14201 Brandywine Road has a service travel time of 5.70 minutes, which is within the 7.25-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 should 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 1990 *Approved Public Safety Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

12. **Police Facilities**—The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future developments. The plan includes planning guidelines for police and they are:

Station space per capita: 141 square feet per 1,000 county residents.

The police facilities test is performed on a countywide basis in accordance with the policies of the Planning Board. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police and the latest population estimate is 825,520. Using the 141 square feet per 1,000 residents, it calculates to 116,398 square feet of space for police. The current amount of space, 267,660 square feet, is above the guideline.

13. **Health Department**—The Health Department reviewed the application and reminds the applicant that all abandoned vehicles found on the property must be removed and properly disposed.
14. **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, 5831-06-00, was approved May 4, 2006. Development must be in accordance with this approved plan.

15. **Historic Preservation**—The subject application for preliminary plan of subdivision has no effect on historic resources.
16. **Archeology**—Phase I archeological survey is not recommended on the subject property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates that the probability of archeological sites within the subject property is low. An examination of aerial photographs indicates that most of the property has been graded and disturbed by modern construction. Several structures appear on the property on the 1938 and 1965 aerial photographs, but these structures were removed when an industrial park was built over the area. The applicant should be aware that there are four archeological sites, 18PR416, 18PR542, 18PR543, and 18PR601, within a one-mile radius of the subject property. These sites include prehistoric lithic scatters and 18th-20th century domestic sites. Also, Timothy Branch, a tributary to Mattawoman Creek, is located just to the south of the subject property.

However, the applicant should be aware that Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties including archeological sites. This review is required when federal monies, federal properties or federal permits are required for a project. Section 106 review may require further archeological study.

17. **Public Utility Easement**—The preliminary plan reflects the required ten-foot-wide public utility easement. This easement will be recorded with the final plat.
18. **Access Easement**—Access to Parcels 1 and 2 are proposed via a 30-foot-wide ingress/egress easement pursuant to Section 24-124(b)(15) of the Subdivision Regulations. This easement will be adequate to serve the proposed pad site development on those parcels without adverse impact to the access and use of other parcels within the proposed integrated shopping center. A note must be placed on the plan to this effect.

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 Clark, seconded by Commissioner Squire, with Commissioners Clark, Squire, Eley, Vaughns and Parker voting in favor of the motion at its regular meeting held on Thursday, March 8, 2007, in Upper Marlboro, Maryland.

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Adopted by the Prince George's County Planning Board this 5th day of April 2007.

R. Bruce Crawford
Executive Director

By Frances J. Guertin
Planning Board Administrator

RBC:FJG:TL:bjs