



PGCPB No. 17-113

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File No. 4-16013

RESOLUTION

WHEREAS, Fairfield Building Co. is the owner of a 12.38-acre tract of land known as Parcels 8 and 9, said property being in the 11th Election District of Prince George's County, Maryland, and being zoned Mixed Use-Transportation Oriented; and

WHEREAS, on April 21, 2017, Fairfield Building Co. filed an application for approval of a Preliminary Plan of Subdivision for two parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-16013 for Matapeake Business Park, 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 July 20, 2017, for its review and action in accordance with the Land Use Article of the 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 July 20, 2017, 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 Type I Tree Conservation Plan TCPI-026-91-04, and further APPROVED Preliminary Plan of Subdivision 4-16013 for two parcels with the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision (PPS), the following technical corrections shall be made to the plan:
 - a. The PPS shall be revised to label the existing 100-year floodplain adjacent to the site.
 - b. If the natural resources inventory plans shows primary management area (PMA) on the property, the PPS and Type I tree conservation plan shall be revised to show the delineated PMA.
 - c. A 25-foot-wide 100-year floodplain buffer shall be delineated on the PPS and Type I tree conservation plan from the 100-year floodplain.
 - d. The limits of disturbance on the Type I tree conservation plan shall be revised as necessary to avoid impacts to the primary management area if it extends onto the subject site.

- e. Revise the general notes to indicate the mandatory parkland dedication requirement is to be met with private on-site recreational facilities.
 - f. Revise the title block to indicate Parcels 1 and 2.
 - g. Add the plat references to General Note 1 for existing Parcels 8 and 9.
 - h. Revise General Note 18 to indicate that the site is not within the M-I-O Zone.
 - i. Label the abutting properties.
 - j. Revise the preliminary plan to create a separate parcel 10-feet in width measured from the eastern edge of the five-foot dedication required by Condition 4(a). Label this parcel "to be retained in private ownership and reserved in perpetuity, for dedication upon demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 *Master Plan of Transportation* and the 2013 *Subregion 5 Approved Master Plan and Sectional Map Amendment*".
2. A substantial revision to the uses on the subject property that affects Subtitle 24 adequacy findings shall require the approval of a new preliminary plan of subdivision prior to the approval any building permits.
3. Development of this site shall be in conformance with an approved stormwater management (SWM) concept plan and any subsequent revisions. The final plat shall note the SWM concept plan number and approval date.
4. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees shall:
- a. Dedicate five feet of right-of-way along the property frontage on Matapeake Business Drive, to allow for implementation of an urban four-lane road (80-foot right-of-way) per DPW&T standards.
 - b. Grant a 10-foot-wide public utility easement along all public rights-of-way as delineated on the approved preliminary plan of subdivision.
 - c. Delineate and label the 25-foot-wide 100-year floodplain buffer.
 - d. The parcel proposed for future widening of Matapeake Business Drive shall be labeled on the record plat as follows: "To be retained in private ownership and reserved in perpetuity for dedication, upon demand by the operating agency, for the widening of Matapeake Business Drive, as designated in the 2009 *Master Plan of Transportation* and the 2013 *Subregion 5 Approved Master Plan and Sectional Map Amendment*."

5. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment*, the following improvements shall be provided:
 - a. Replace the existing four-foot-wide sidewalk with an eight-foot-wide sidepath (or eight-foot-wide concrete sidewalk) along the subject site's entire frontage of Matapeake Business Drive, unless modified by the Department of Permitting, Inspections and Enforcement.
 - b. Bicycle parking shall be provided at each of the multifamily buildings. The location, type, and number of bicycle racks will be determined at the time of detailed site plan.
6. Prior to approval of any building permit for the subject property, the applicant and the applicant's heirs, successors, and/or assignees shall demonstrate that the following required adequate pedestrian and bikeway facilities as designated below or as modified by DPW&T/DPIE/DPR, in accordance with Section 24-124.01 of the Subdivision Regulations, have (a) full financial assurances, (b) have been permitted for construction through the applicable operating agency's access permit process, and (c) have an agreed-upon timetable for construction and completion with the appropriate operating agency:
 - a. Reconstruct the existing sidewalk along the east/south side of Matapeake Business Drive to meet current County and Americans with Disabilities (ADA) specifications and standards. The sidewalk and ADA ramp reconstruction will extend from the southern boundary of the subject site, across the frontages of Parcels 3, 4, 5, 6, 7, and 12, subject to the cost cap.
 - b. At the time of the detailed site plan, provide an exhibit that illustrates the location and limits of all off-site improvements recommended by staff for the review of the operating agencies. This exhibit shall show the location of the ADA ramps, crosswalk and sidewalk installation, and provide any necessary details and specification for the improvements, consistent with Section 24-124.01(f) of the Subdivision Regulations. If it is determined at the time of detailed site plan that alternative off-site improvements are appropriate, the applicant shall demonstrate that the substitute improvements shall comply with the facility types contained in Section(d), be within one-half mile walking or biking distance of the subject site, within the public right-of-way, and within the limits of the cost cap contained in Section(c). The Planning Board shall find that the substitute off-site improvements are consistent with the bicycle pedestrian impact statement adequacy finding made at the time of preliminary plan of subdivision.
7. Prior to signature approval of the preliminary plan of subdivision, an approved natural resources inventory plan or revise equivalency letter shall be provided, which includes Parcels 8 and 9.

8. Prior to signature approval of the preliminary plan of subdivision (PPS), the regulated environmental features of the site as shown on a valid natural resources inventory plan shall be correctly delineated on the PPS and Type I tree conservation plan.
9. Prior to signature approval of the preliminary plan of subdivision, the Type I tree conservation plan (TCPI) shall be revised as follows:
 - a. The plan shall be revised to show the correct delineation of the primary management area based on a valid natural resources inventory plan.
 - b. If the 100-year floodplain is found to be more extensive in area, no woodland conservation shall be credited within the 100-year floodplain, and the woodland conservation worksheet shall be adjusted to reflect the additional floodplain area.
 - c. The note under the woodland conservation worksheet shall be revised as necessary to reflect the "additional off-site woodland conservation credits required."
 - d. Note 11 shall be revised to reflect the conceptual stormwater management concept number for Parcel 8 and 9.
 - e. After the revisions are made, revise any calculations, notes, or tables that are affected.
 - f. Have the revised TCPI signed and dated by the qualified professional who prepared it.
10. Development of this subdivision shall be in conformance with an approved Type I Tree Conservation Plan (TCPI-026-91-04). The following note shall be placed on the final plat of subdivision:

"Development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCPI-026-91-04), or as modified by the Type 2 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."
11. At the time of final plat, a conservation easement shall be described by bearings and distances if primary management area PMA exists on the subject property. The conservation easement shall contain the delineated Patuxent River PMA, except for 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.”

12. At the time of detailed site plan, a copy of the approved stormwater management concept approval letter and associated plans shall be submitted.
13. Total development within the subject property shall be limited to uses which generate no more 162 AM peak trips and 187 PM peak trips. Any development generating an impact greater than that identified herein-above shall require a new determination of the adequacy of transportation facilities.
14. Prior to issuance of any building permit, the applicant and the applicant's heirs, successors, and/or assignees shall, pursuant to the provisions of County Council Resolution CR-9-2017, pay to Prince George's County (or its designee) a fee of \$999 per dwelling unit (given in first quarter 1993 dollars), to be indexed by the appropriate cost indices to be determined by the Department of Permitting, Inspections and Enforcement.
15. The applicant and the applicant's heirs, successors, and/or assignees, shall provide adequate, private, on-site recreational facilities in accordance with the standards outlined in the *Park and Recreation Facilities Guidelines*. The applicant shall allocate appropriate and developable areas for the private recreational facilities within the common open space land. The private recreational facilities shall be reviewed by the Urban Design Section, Development Review Division, of the Prince George's County Planning Department for adequacy and property siting, including appropriate triggers for construction, with the submittal of the detailed site plan.
16. The applicant and the applicant's heirs, successors, and/or assignees shall submit three original executed recreational facilities agreements (RFAs) to the Development Review Division (DRD) of the Prince George's County Planning Department for construction of recreational facilities, for approval prior to the submission of final plats. Upon approval by DRD, the RFA shall be recorded among the Land Records of Prince George's County and the liber and folio of the RFA shall be noted on the final plat prior to recordation.
17. The applicant and the applicant's heirs, successors, and/or assignees shall submit a performance bond, letter of credit, or other suitable financial guarantee for the construction of recreational facilities prior to issuance of building permits.
18. The applicant shall provide a minimum 25-foot-wide building setback from the eastern line of the 10-foot-wide parcel created pursuant to Condition 1(j).
19. The applicant shall provide a crosswalk across Matapeake Business Drive, with appropriate signage or other enhancements (such as a pedestrian refuge area) to accommodate pedestrian

traffic from the subject property to the Brandywine Crossing commercial area, subject to approval by the Department of Permitting, Inspections and Enforcement (DPIE).

20. After construction of the 312 multifamily dwelling units approved pursuant to this preliminary plan of subdivision, the applicant, its successor and assigns, shall retain in perpetuity, and shall dedicate to the operating agency upon demand the 10-foot-wide parcel created pursuant to Condition 1(j), to allow for the future widening of Matapeake Business Drive.

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 with conditions, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject site is located on the east side of Matapeake Business Drive, one-quarter mile east of the intersection of Timothy Branch Drive and Robert Crain Highway (US 301). The subject site is currently vacant and consists of existing Parcels 8 and 9 recorded in Plat Books 198-51 and 203-50, respectively. The subject site is a total of 12.38 acres and located in the Mixed Use–Transportation Oriented (M-X-T) Zone. The application includes two parcels (Parcels 1 and 2) for the construction of a residential development including 312 multifamily dwelling units. The proposed use is permitted in the M-X-T Zone. A Conceptual Site Plan CSP-16003, is being processed concurrently with this application and was heard before the Planning Board on July 13, 2017. The CSP includes the subject site, Parcels 8 and 9, and adjacent Parcel 7 which contains existing retail and commercial offices. Parcels 7, 8, and 9 satisfy the requirements for mixed-use development. A detailed site plan (DSP) will be required for the development of this site in accordance with the requirements of the underlying zone.
3. **Setting**—The property is located on Tax Map 155, Grid A3 in Planning Area 85A and is zoned M-X-T. The site is bounded to the north by vacant Parcel 12, within the Brandywine 301 Industrial Park, in the M-X-T Zone; to the east by Outlot C, within the Brandywine 301 Industrial Park, in the M-X-T Zone; to the south by the M-X-T-zoned Parcel 7 developed with a commercial flex building; and to the west by the public right-of-way of Matapeake Business Drive with abutting commercial uses, known as the Brandywine Crossing shopping center, in the C-S-C Zone on the west side of the right-of-way.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

4. **Development Data Summary**—The following information relates to the subject preliminary plan of subdivision (PPS) application and the proposed development.

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Multifamily Residential
Acreage	12.38	12.38
Lots	0	0
Outlots	0	0
Parcels	2	2
Dwelling Units:	0	312
Retail	0	0
Public Safety Mitigation Fee	No	No
Variance(s)	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee on May 5, 2017.

5. **Previous Approvals**—In 1978, the Brandywine-Mattawoman Sectional Map Amendment (CR-106-1978) rezoned the entire Brandywine 301 Industrial Park property from the R-R (Rural Residential) Zone to the E-I-A (Employment and Institutional Area) Zone. The property was later rezoned in 1985 through Zoning Map Amendment A-9502-C from the E-I-A Zone to the I-1 and I-3 Zones. On July 18, 1991, the Planning Board approved a Conceptual Site Plan CSP-91012 and PPS 4-91030 for 19 lots and 3 parcels (170.5 acres) for 1,638,920 square feet of industrial development which included the subject property.

The 1993 *Approved Subregion V Master Plan and Sectional Map Amendment* retained the property in the I-1 and I-3 zoning categories (CR-61-2006). PPS 4-97124 was approved by the Planning Board on March 26, 1998, which included 19 parcels (166.18 acres) for 1,638,920 square feet of industrial development. The subject property was platted in accordance with PPS 4-9712 and recorded in the Land Records of Prince George's County in Plat Books 203-50 and 198-51 for Parcels 8 and 9, respectively.

A Detailed Site Plan DSP-05073 for Parcel 9 was approved by the Planning Board on March 30, 2006 for the development of 17,992 square feet for an office/warehouse building and storage yard.

On July 24, 2013, the District Council adopted County Council Resolutions CR-80-2013 and CR-81-2013 approving the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Subregion 5 Master Plan and SMA), which included the rezoning of approximately

48 acres of the Brandywine 301 Industrial Park Subdivision to the M-X-T Zone. The subject parcels were rezoned (SMA Nos 12, 14) from the I-1 (Light Industrial) Zone to the M-X-T Zone via CR-81-2013, approved July 24, 2013.

Conceptual Site Plan CSP-16003 was accepted for Parcels 7, 8 and 9 on April 18, 2017 and was heard before the Planning Board on July 13, 2017. The CSP evaluates a mixed-used development in accordance with the current M-X-T zoning of the property, with a commercial flex building being located on Parcel 7 and multifamily residential development located on Parcels 8 and 9. This PPS application is consistent with the location of uses approved with the CSP. The CSP and subject PPS will supersede the previous approvals for the subject parcels.

6. **Community Planning**—In accordance with Section 24-121(a)(5) of the Subdivision Regulations, the development is consistent with the *Plan Prince George's 2035 Approved General Plan* (Plan Prince George's 2035), which supports medium high-residential density in Local Centers. The development will provide a walkable environment consistent with the General Plan recommendations for a walkable community center core area in anticipation of future transit availability as discussed further in the Trails finding.

The site is zoned M-X-T and is located within the boundary of the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Master Plan). Goals for this area of the Master Plan are to establish a mixed-use, transit-oriented Brandywine Community Center, Core and Edge areas to expand existing concentrations of population and employment along the Branch Avenue (MD 5) corridor within the Brandywine Community Center. The core of the Brandywine Community Center, which includes the subject property, is an approximately 120-acre area recommended for transit-oriented, mixed-use development focused on a future transit station near the interchange of MD 5/US 301 and an arterial road, (A-55), Accokeek Road, relocated, that crosses over the freeway to connect the core area from the west. The Master Plan envisions a high-amenity, pedestrian-oriented core, with a strong 'sense of place' achieved through design features that would create an identity for Brandywine that would be unique in this region of the County.

The Community Center Core (see Plan Map IV-5) extends approximately one-quarter to one-half mile from the station area and is envisioned as a mixed-use area containing moderate to high-density residential (15 to 30 dwelling units per acre) and commercial and employment land uses that would generate up to 25 employees per acre. Public uses, such as schools, parks, and the transit station, may comprise 10 to 20 percent of the total area. To support the population past 2030, the Master Plan recommends a library facility be constructed in the Brandywine Community Center, which could be co-located with another public facility (Plan, page 133). This is consistent with the recommendation that up to 20 percent of the Core Area be developed as civic uses. The Prince George's County Memorial Library System has identified a future building site for a library on Dyson road, approximately two miles north of the subject site, which will address the future library needs of the greater Brandywine area. Therefore, the subject site was not found to be an appropriate location for the reservation of land for the purposes of a public library.

The Timothy Branch Steam Valley Trail, east of the subject property, extends along Timothy Branch between Dyson Road and Mattawoman Creek and will provide access to the Brandywine Community Center. As such, it is important that this development, located between the commercial uses in the Brandywine Community Center Core Area and the trail facilitate access to the trail. Specifically, the Master Plan recommends that we “encourage developers at employment destinations to provide new sidewalks, bicycle trails, lockers, bike-friendly intersection improvements, and trail connections as part of their development proposals.” The Master Plan further recommends to “construct pedestrian and bicycle facilities as part of new development in the Brandywine Community Center”; and “develop recreational and interpretative programs, facilities, and thematic trails that build on the recreational, natural, historic, and scenic attributes of the region.” (Plan, page 121.) The location of the Master Plan Trail is further discussed in the Trails finding.

The Planning Board finds that this application conforms to the Master Plan recommendations to increase population in the Brandywine Community Center Core Area. The development will provide a pedestrian and bicycle connection to the north and south as further discussed in the Trails finding.

7. **Stormwater Management**—A conceptual stormwater management (SWM) plan was submitted with the PPS application, but no SWM concept approval letter has been submitted, and the SWM concept application number has not been identified. The SWM concept plan shows the extensive use of environmental site design elements to address water quality requirements.

Section 24-130 of the Subdivision Regulations requires the following with respect to stream, wetland, and water quality protection and SWM:

- (b) **The Planning Board shall require that proposed subdivisions conform to the following:**
 - (1) **The plat shall demonstrate adequate control of the increased runoff due to the ten (10) year storm or such other standards as State law or the County shall adopt.**
 - (2) **The stormwater control shall be provided on-site unless the Planning Board, on recommendation from the County, waives this requirement.**
 - (3) **The submission of a storm drainage and stormwater management concept plan, and approval thereof by the County, may be required prior to preliminary plat approval.**
 - (4) **Where a property is partially or totally within an area covered by an adopted Watershed Plan, the plat shall conform to such plan.**

The approved SWM concept plan is required to be designed in conformance with any approved Watershed Management Plan, pursuant to Subtitle 32 Water Resources and Protection, Division 3 Stormwater Management, Section 172 Watershed Management Planning. As such, the requirements of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan are addressed with the approval of the SWM concept plan by Prince George's County. A revision to the existing lotting pattern is not approved with this PPS; therefore, the pending SMW concept approval will not have any effect on the approval of this PPS. Development of the site must be in conformance with an approved SWM concept plan or subsequent revisions to ensure that on-site or downstream flooding does not occur.

8. **Parks and Recreation**—The development is required to provide mandatory parkland dedication in accordance with Section 24-134 of the Subdivision Regulations. This application has been reviewed and evaluated for conformance with the requirements of the approved Master Plan, the Land Preservation and Recreation Program for Prince George's County, and the Formula 2040 Functional Master Plan for Parks, Recreation and Open Space, as they pertain to public parks and recreational facilities.

The applicant proposes to develop the subject site with several multifamily buildings, totaling 312 multifamily dwelling units. Private on-site recreational facilities are hereby approved by the Planning Board, having found that the facilities will be superior, or equivalent, to those that would have been provided under the provisions of mandatory dedication. Further, the facilities will be properly developed and maintained to the benefit of future residents pursuant to a recreational facilities agreement, which will be legally binding upon the subdivider and their heirs, successors, and assignees.

The applicant has provided conceptual information on the proposed private recreational facilities that will be constructed with the development and available to residents. The Planning Board finds that private recreational facilities are appropriate, given the analysis above and the proposed use of the property.

9. **Trails**—The subject application has been reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the applicable area master plan in order to implement planned trails, bikeways, and pedestrian improvements. The subject application is located on the east side of Matapeake Business Drive, to the south of the Timothy Branch Drive intersection. The application is zoned M-X-T and proposes 312 multifamily units adjacent to an existing 47,920 square feet of commercial space. The site is covered by the MPOT and the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Master Plan). Because the site is located in the Branch Avenue Corridor and Brandywine Town Center, it is subject to the requirements of Section 24-124.01 of the Subdivision Regulations and the 2013 "Transportation Review Guidelines, Part 2" at the time of PPS.

One master plan trail/bikeway issue impacts the application, with a stream valley trail recommended along Timothy Branch (see MPOT map). The text from the MPOT regarding the Timothy Branch Trail is noted below:

Timothy Branch Stream Valley Trail: Provide a stream valley trail along Timothy Branch between Dyson Road and Mattawoman Creek. This trail will provide access to the developing employment center in Brandywine. Public use trail easements have been acquired as commercial development has occurred (MPOT, page 32).

A 65-foot-wide public use trail easement was established for the Timothy Branch Trail for the parcels within the Matapeake Business Park, including the subject property. This easement was established through Record Plats 203-50 and 203-51. Construction of the trail was planned within this easement for the subject site. However, after discussions with the Department of Parks and Recreation (DPR), it was determined that DPR had no plans to take over operation and maintenance of this trail, to construct any extension of the trail, or to acquire land within this stream valley as a park trail corridor. Because there is no public entity willing to take over the operation of a trail within the stream valley, construction on the subject site is not required and the easement for a public trail connection at this location shall be removed upon revision of the applicable record plats. It has consistently been the Planning Board's policy to not burden a homeowners' association (HOA) with a public trail connection on private HOA space.

Moreover, to the north of the subject site, within the Villages of Timothy Branch subdivision, the stream valley trail has been implemented as an HOA trail only, with the majority of the trail located along parallel roadways to avoid impacts to the stream valley, and is not proposed for connection to the subject site along the stream valley. However, an eight-foot-wide sidepath (concrete sidewalk) to accommodate hikers and bikers along the east side Mattawoman Drive was approved as part of the development of the Villages of Timothy Branch. Mattawoman Drive transitions to Matapeake Business Drive south of the Villages of Timothy Branch and north of the subject site. It was determined that the eight-foot-wide sidepath along Mattawoman Drive was more suitable to provide pedestrian connection to the Brandywine Community Center due to the signalized intersection at Mattawoman Drive and Brandywine Road. The eight-foot-wide side path shall continue south from Mattawoman Drive to Matapeake Business Drive, and along the frontage of the subject site, within the public right-of-way rather than along the stream valley to achieve the public pedestrian connection linking properties north and south of the subject site.

The Complete Streets element of the MPOT reinforces the need for these recommendations and includes the following policies regarding sidewalk construction and the accommodation of pedestrians.

POLICY 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

POLICY 2: All road frontage improvements and road capital improvement projects within the developed and Developing Tiers shall be designed to accommodate all modes of

transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

Sidewalks are recommended along all road frontages and along both sides of all internal roads consistent with these policies. Additional sidewalks are recommended along the east and south sides of Matapeake Business Drive, south of the subject continuing to the US 301 intersection. There is an existing sidewalk along the subject site's frontage of Matapeake Business Drive. However, the sidewalk does not appear to meet current County or Americans with Disabilities Act (ADA) standards or specifications.

Proposed On-Site Bicycle and Pedestrian Improvements:

The concurrently submitted conceptual layout reflects standard sidewalks along most road frontages, around the perimeters of most buildings and along both sides of most internal drive aisles. Additional sidewalk segments shall be considered at the time of DSP. A standard sidewalk exists along the site's frontage of Matapeake Business Drive. However, this sidewalk does not appear to meet current County or ADA standards or specifications. All sidewalks shall meet County and ADA standards as required by the conditions of this approval.

Review of the Bicycle and Pedestrian Impact Statement (BPIS) and Proposed Off-Site Improvements:

Due to the location of the subject site within a designated Center, the application is subject to County Council Bill CB-2-2012, which includes a requirement for the provision of off-site bicycle and pedestrian improvements. Section 24-124.01(c) of the Subdivision Regulations includes the following guidance regarding off-site improvements:

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

County Council Bill CB-2-2012 also included specific guidance regarding the cost cap for the off-site improvements. The amount of the cost cap is determined pursuant to Section 24-124.01(c) of the Subdivision Regulations:

The cost of the additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per gross square foot of proposed retail or commercial development proposed in the application and Three Hundred Dollars (\$300.00) per unit of residential development proposed in the application, indexed for inflation.

Based on Section (C) and the 312 townhouse units proposed, the cost cap for the site is \$93,600.

Section 24-124.01 also provided specific guidance regarding the types of off-site bicycle and pedestrian improvements that may be required, per Section 24-124.01(d):

- (d) **Examples of adequate pedestrian and bikeway facilities that a developer/property owner may be required to construct shall include, but not be limited to (in descending order of preference):**
1. **installing or improving sidewalks, including curbs and gutters, and increasing safe pedestrian crossing opportunities at all intersections;**
 2. **installing or improving streetlights;**
 3. **building multi-use trails, bike paths, and/or pedestrian pathways and crossings;**
 4. **providing sidewalks or designated walkways through large expanses of surface parking;**
 5. **installing street furniture (benches, trash receptacles, bicycle racks, bus shelters, etc.); and**
 6. **installing street trees.**

A scoping meeting was held with the applicant on July 15, 2016. The requirements of Section 24-124.01 of the Subdivision Regulations, the 2013 "Transportation Review Guidelines, Part 2" and possible off-site improvements were discussed at that time. The site is located within a town center with a mix of uses on the surrounding properties. Pedestrian facilities have been provided as development occurred, although gaps in the pedestrian network still exist. Major destinations in the vicinity of the subject site include the Brandywine Crossing Shopping Center, the nearby Chaddsford community, the Rose Creek Connector Trail, several bus stops and nearby uses along Matapeake Business Drive.

The revised BPIS report was submitted on June 14, 2017 and following off-site improvements were proffered. The conclusion of the report reads:

Our client is proffering the replacement of existing 4-foot sidewalks along Matapeake Business Drive. The walks will be replaced with 5-foot wide sidewalks. The scope and nexus of the sidewalk replacement will be determined at the time of Detailed Site Plan.

Per the guidance of Section 24-124.01 of the Subdivision Regulations and the "Transportation Review Guidelines, Part 2," only the portion of the sidewalk off of the immediate frontage of the subject site will count towards the off-site cost cap. Using the Department of Public Works and Transportation (DPW&T) Construction Price List, a cost estimate for the proposed sidewalk work

was developed. The costs covered in the estimate include removal of the four-foot-wide sidewalk, construction of a five-foot-wide sidewalk, and ADA ramp installation. The limits of the work include the frontages of Parcels 4, 5, 6, and 7 on the east side of Matapeake Business Drive and Parcels 3 and 11 on the south side of Matapeake Business Drive. The cost estimates and proposed limits of the sidewalk construction was evaluated and is shown to be in the required cost cap for off-site improvements.

Demonstrated nexus between the subject application and the off-site improvements:

Section 24-124.01(c) of the Subdivision Regulations, requires that a demonstrated nexus be found with the subject application in order for the Planning Board to require the construction of off-site pedestrian and bikeway facilities. This section is copied below, and the demonstrated nexus between each of the proffered off-site improvements and the subject application is summarized below.

- (c) **As part of any development project requiring the subdivision or re-subdivision of land within Centers and Corridors, the Planning Board shall require the developer/property owner to construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already exist) throughout the subdivision and within one-half mile walking or bike distance of the subdivision if the Board finds that there is a demonstrated nexus to require the applicant to connect a pedestrian or bikeway facility to a nearby destination, including a public school, park, shopping center, or line of transit within available rights of way.**

Demonstrated Nexus Finding:

The off-site sidewalk construction will directly benefit the future residents and guests to the subject site by providing pedestrian and ADA access to the existing shopping center, the adjacent office space, and several existing bus stops in compliance with County specifications and standards.

Finding of Adequate Bicycle and Pedestrian Facilities:

County Council Bill CB-2-2012 requires that the Planning Board make a finding of adequate bicycle and pedestrian facilities at the time of PPS. County Council Bill CB-2-2012 is applicable to PPSs within designated Centers and Corridors. The subject application is located within the designated Branch Avenue Corridor and Brandywine Town Center, as depicted on the *Adequate Public Facility Review Map of the General Plan*. County Council Bill CB-2-2012 also included specific guidance on the criteria for determining adequacy, as well as what steps can be taken if inadequacies need to be addressed.

As amended by County Council Bill CB-2-2012, Section 24-124.01(b)(1) and (2) of the Subdivision Regulations includes the following criteria for determining adequacy:

- (b) **Except for applications for development project proposing five (5) or fewer units or otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any preliminary plan may be approved for land lying, in whole or part,**

within County Centers and Corridors, the Planning Board shall find that there will be adequate public pedestrian and bikeway facilities to serve the proposed subdivision and the surrounding area.

- 1. The finding of adequate public pedestrian facilities shall include, at a minimum, the following criteria:**
 - a. the degree to which the sidewalks, streetlights, street trees, street furniture, and other streetscape features recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area; and**
 - b. the presence of elements that make is safer, easier and more inviting for pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield lines, "bulb out" curb extensions, crossing signals, pedestrian refuge medians, street trees, benches, sheltered commuter bus stops, trash receptacles, and signage. (These elements address many of the design features that make for a safer and more inviting streetscape and pedestrian environment. Typically, these are the types of facilities and amenities covered in overlay zones).**

The proffered off-site sidewalk construction will provide adequate and ADA compatible access from the subject site to surrounding uses including the existing shopping center and several bus stops. The existing sidewalk along Matapeake Business Drive is narrow and does not conform to current county standards or specifications and does not comply with ADA guidance. The Applicant is required by conditions of this approval, to reconstruct existing sidewalks in conformance with County and ADA standards.

- 2. The finding of adequate public bikeway facilities shall, at a minimum, include the following criteria:**
 - a. the degree to which bike lanes, bikeways, and trails recommended in the Countywide Master Plan of Transportation and applicable area master plans or sector plans have been constructed or implemented in the area;**
 - b. the presence of specially marked and striped bike lanes or paved shoulders in which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized vehicles;**

- c. the degree to which protected bike lanes, on-street vehicle parking, medians or other physical buffers exist to make it safer or more inviting for bicyclists to traverse the area; and
- d. the availability of safe, accessible and adequate bicycle parking at transit stops, commercial areas, employment centers, and other places where vehicle parking, visitors, and/or patrons are normally anticipated.

Bicycle parking shall be provided at the multifamily buildings. A wide sidewalk (or sidepath) to the north of the site along A-63 will accommodate bicyclists to nearby residential communities and dedicated parkland to the north.

10. **Transportation**—The development will consist of 312 multifamily dwelling units, which will add a net total of 162 (32 in, 130 out) AM peak trips, and 187 (122 in, 65 out) PM peak trips, calculated using the “Transportation Review Guidelines, Part 1, 2012” (Guidelines).

The traffic generated by the PPS will impact the following intersections:

- MD 5/US 301 @ Timothy Branch Drive
- Matapeake Business Drive @ Timothy Branch Drive
- Matapeake Business Drive @ Site Access

The findings outlined below are based upon a review of the materials and analyses conducted, consistent with the “Guidelines.”

The subject property is located within the Transportation Service Area (TSA) 2, as defined in Plan Prince George’s 2035. 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 procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. A three-part process is employed for two-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) the maximum approach volume on the minor streets is computed if delay exceeds 50 seconds, (c) if delay exceeds 50 seconds and at least one approach volume exceeds 100, the critical lane volume (CLV) is computed. A two-part process is employed for all-way stop-controlled intersections: (a) vehicle delay is computed in all movements using *The Highway Capacity Manual* (Transportation Research Board) procedure; (b) if delay exceeds 50 seconds, CLV is computed. Once the CLV exceeds 1,150

for either type of intersection, this 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.

Traffic Impact

It was anticipated that greater than 50 trips would be generated during either peak hour, consequently, a traffic impact study (TIS) was requested. To that end, the applicant provided TIS dated July 9, 2016. Using data from this recent traffic analyses the following results were determined:

EXISTING CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)/Delay	(LOS/CLV)/Delay
MD 5-US 301 @ Timothy Branch Drive	B/1093	E/1463
Matapeake Business Drive @ Timothy Branch Drive *	9.0 seconds	9.5 seconds
Matapeake Business Drive @ Site Access *	n/a	n/a
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

In evaluating the effect of background traffic, the TIS included approximately 15 developments that could impact some or all of the critical intersections. Additionally, a growth of one percent per year for six years was applied to the through traffic volumes. Combining the effect of background developments plus regional growth, a second analysis was done. The table below shows the results:

BACKGROUND CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)/Delay	(LOS/CLV)/Delay
MD 5-US 301 @ Timothy Branch Drive	E/1568	F/2143
Matapeake Business Drive @ Timothy Branch Drive *	9.9 seconds	17.4 seconds
Matapeake Business Drive @ Site Access *	9.1 seconds	9.1 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

Regarding the total traffic scenario, the TIS applied trip generation rates for apartments based on the "Guidelines". It is worth noting that the property was the subject of previous subdivisions and consequently, various trip caps were assigned to the subject property. Pursuant to Planning Board Resolution No. 08-106, Parcels 8 and 9 were assigned trip caps of 82 AM and PM peak-hour trips.

For the purpose of computing the trips for the pending application, those trips were evaluated as part of the background developments. Based on the development of 312 multifamily dwelling units, the TIS used County rates resulting in a trip generation of 162 (32 in, 130 out) AM peak trips, and 187 (122 in, 65 out) PM peak trips. A third analysis (total traffic) revealed the following results:

TOTAL CONDITIONS		
Intersection	AM	PM
	(LOS/CLV)/Delay	(LOS/CLV)/Delay
MD 5-US 301 @ Timothy Branch Drive	E/1559	F/2143
Matapeake Business Drive @ Timothy Branch Drive *	10.4 seconds	22.6 seconds
Matapeake Business Drive @ Site Access *	9.6 seconds	9.4 seconds
* Unsignalized intersections are analyzed using the Highway Capacity Software. The results show the intersection delay measured in seconds/vehicle. A maximum delay of 50 seconds/car is deemed acceptable.		

The results of the traffic analyses show that under total traffic, the two unsignalized intersections will operate within acceptable adequacy thresholds. The intersection of MD 5/US 301 at Timothy Branch Drive, however, will operate at failing levels of service. Ordinarily, when an intersection or a road link operates inadequately under total traffic, the applicant is usually required to provide improvements to bring the facility to the policy level of service (LOS) threshold. However, on March 28, 2017, the County Council of Prince George's County adopted County Council Resolution CR-9-2017, which amends CR-60-1993. Specifically, this new resolution establishes a fee structure for payment in the Brandywine Road Club. Pursuant to CR-9-2017, the new fee for the subject application will be \$999 per dwelling unit to be indexed by the appropriate cost indices to be determined by the Department of Permitting, Inspections and Enforcement (DPIE). Pursuant to County Council Bill CB-22-2015, once the appropriate payment is made to the satisfaction of the DPIE, no further obligation will be required of the applicant regarding the fulfillment of transportation adequacy requirements of Section 24-124(a)(8) of the Subdivision Regulations.

Master Plan, Right-of-Way Dedication

The property is located in an area where the development policies are governed by the 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* (Master Plan). The property fronts on Matapeake Business Drive which is a master-planned Major Collector, MC-503, requiring 100 feet of right-of-way. The road is currently built as a four-lane undivided road within 70 feet of right-of-way. Prior to approval of the Master Plan in 2013, the subject site and surrounding sites were industrially zoned. The Master Plan rezoned the subject site and several sites surrounding the subject property to M-X-T and upgraded Matapeake Business Drive to a major collector facility. The Master Plan provides that the road improvements support the growth envisioned in Subregion 5.

The PPS was originally filed reflecting 15 feet of public right-of-way dedication in accordance with the Master Plan (100-foot-wide right-of-way). However, the applicant subsequently withdrew

the offer of the 15 feet of right-of-way dedication and proposed five feet of right-of-way dedication, for an ultimate right-of-way of 80 feet. The 80-foot-wide right-of-way will accommodate the existing pavement section of a four-lane undivided roadway, and reconstruction of the site frontage to provide an eight-foot planting strip next to the pavement and an eight-foot-wide trail.

While the existing right-of-way is sufficient to accommodate the vehicular traffic generated by the development, the right-of-way is not sufficient to accommodate the pedestrian traffic that will result by the demand for public access to commercial uses within the area with the addition of residential land use on the subject property. With the transition from a primarily industrial to a mixed-use residential community, the incorporation of the median is an important element of the roadway which will provide traffic calming and pedestrian and bicyclist refuge for connections to the surrounding commercial development. Matapeake Business Drive transitions to a 120-foot-wide arterial roadway, approximately 350 feet north of the subject site, which is to be constructed with a median within the Villages of Timothy Branch development, a mixed-use residential subdivision with 1,200 dwelling units. One undeveloped property exists between the subject site and location to the north, where the road transitions to 120 feet wide, which has been rezoned to M-X-T and will allow residential development.

The minimum roadway necessary to support to the design of a planned major collector facility was evaluated and, while the Master Plan calls for 15 feet of dedication from this property to accommodate the 100-foot-wide right-of-way, a minimum of 11 feet of dedication could accommodate the Master Plan recommendations, while ensuring pedestrian and bicycle safety and comfort within a 92-foot-wide right-of-way. The newly approved Urban Street design standards (CR-85-2016) provide a mixed-use boulevard 92 feet wide, which can be modified to provide 4 travel lanes (11 feet for each lane and striping, totaling 23 feet for each two lanes) with a 16-foot-wide median and six-foot-wide landscape buffer, an eight-foot-wide sidewalk, and a one-foot-wide edge on each side of the roadway. The 92-foot-wide right-of-way will require 11 feet of right-of-way dedication along the road frontage of the subject site and, most importantly, will not preclude the ability to install the recommended median in the future. Providing a pedestrian refuge is the single most important element for improving the safety of a pedestrian crossing of multi-lane roads by providing pedestrians a safe place to stand if they must wait for oncoming traffic and reducing the distance that must be crossed. Furthermore, a constructed median will serve to calm traffic along this multi-lane road and provide space for protected left-turn lanes where appropriate.

However, it was found that in order to widen the roadway, multiple properties abutting and adjacent to this site would first need to provide additional right-of-way. The timing for dedication or acquisition of additional right-of-way from those properties is undetermined. Therefore, the Planning Board accepted the applicant's proffer to immediately dedicate by plat, five feet of right-of-way to implement the eight-foot sidepath along the frontage of the subject site within the public right-of-way. In addition, the Applicant shall create a 10-foot-wide parcel, along the five-foot dedication area, to be dedicated upon demand of the operating agency for the future widening of the right-of-way to the master-planned Major Collector 100-foot width.

Based on the preceding findings, adequate transportation facilities will exist to serve the subdivision as required in accordance with Section 24-124 of the Subdivision Regulations.

11. **Schools**—This PPS was reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CR-23-2003 and concluded the following:

**Impact on Affected Public School Clusters
Multifamily Dwelling Units**

Affected School Clusters #	Elementary School Cluster 6	Middle School Cluster 6	High School Cluster 6
Dwelling Units	312 DU	312 DU	312 DU
Pupil Yield Factor	0.119	0.054	0.074
Subdivision Enrollment	38	17	24
Actual Enrollment	5,318	1,695	2,911
Total Enrollment	5,356	1,712	2,935
State Rated Capacity	6,487	2,457	4,013
Percent Capacity	83%	70%	73%

County Council Bill CB-31-2003, established a school facilities surcharge in the amounts of: \$7,000 per dwelling if a building is located between I-495 and the District of Columbia; \$7,000 per dwelling if the building is included within a basic plan or conceptual site plan that abuts an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority (WMATA); or \$12,000 per dwelling for all other buildings. County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$9,017 and \$ 15,458 to be paid at the time of issuance of each building permit.

In 2013, Maryland House Bill 1433 reduced the school facilities surcharge by 50 percent for multifamily housing constructed within an approved transit district overlay zone; or where there is no approved transit district overlay zone within a one-quarter mile of a Metro station; or within the Bowie State MARC Station Community Center Designation Area, as defined in the 2010 *Approved Bowie State Marc Station Sector Plan and Sectional Map Amendment*. The bill also established an exemption for studio or efficiency apartments that are located within the county urban centers and corridors as defined in Section 27A-106 of the County Code; within an approved transit district overlay zone; or where there is no approved transit district overlay zone then within a one-quarter mile of a Metro station. This act is in effect from October 1, 2013 through September 30, 2018.

The school facilities surcharge may be used for the construction of additional or expanded school facilities and renovations to existing school buildings or other systemic changes.

12. **Fire and Rescue**—This PPS has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(C) and (E) of the Subdivision Regulations.

Section 24-122.01(e)(1)(E) of the Subdivision Regulations states that “A statement by the Fire Chief that the response time for the first due station in the vicinity of the property proposed for subdivision is a maximum of seven (7) minutes travel time. The Fire Chief shall submit monthly reports chronicling actual response times for call for service during the preceding month.”

The project is served by Brandywine Fire/EMS Co. 840, a first due response station (a maximum of seven minutes travel time), is located at 14201 Brandywine Road.

“In the Fire/EMS Department’s Statement of Adequate Apparatus, as of July 15, 2016, the Department states they have developed an apparatus replacement program to meet all the service delivery needs of the County.”

The Deputy Fire Chief, Dennis C. Wood, MS, NR-P, Emergency Services Command of the Prince George’s County Fire/EMS Department, has confirmed that, as of July 6, 2017, the subject site is within the required seven-minute drive time.

Capital Improvement Program (CIP)

There are no CIP projects for public safety facilities proposed in the vicinity of the subject site.

13. **Police Facilities**—The subject property is located in Police District V, Clinton. The response time standard is 10 minutes for emergency calls and 25 minutes for nonemergency calls. The times are based on a rolling average for the preceding 12 months. The PPS was accepted for processing by the Planning Department on April 21, 2016.

Based on the most recent available information provided by the Police Department as of December 2015, the police response time standards of 10 minutes for emergency calls and the 25 minutes for nonemergency calls are met.

14. **Water and Sewer**—Section 24-122.01(b)(1) states that “the location of the property within the appropriate service area of the *Ten-Year Water and Sewerage Plan* is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* designates this property in water and sewer Category 3, Community System, within Tier 1 under the Sustainable Growth Act and will therefore be served by public systems.

15. **Use Conversion**—The total units included in this PPS is 312 multifamily dwellings in the M-X-T Zone. If a substantial revision to the mix of uses on the subject property is proposed, that affects Subtitle 24 adequacy findings as set forth in the resolution of approval, the revision of the mix of uses shall require approval of a new PPS prior to approval of any building permits.

16. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public company, the subdivider should include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.”

The PPS correctly delineates a ten-foot-wide public utility easement along the public rights-of-way, Matapeake Business Drive, that is to be dedicated. The right-of-way dedication and PUE will also be required to be reflected on the final plat prior to approval.

17. **Historic**—There are no existing structures on the property. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. Portions of the subject property were previously graded. The subject property does not contain and is not adjacent to any Prince George’s County Historic Sites or Resources. This proposal will not impact any historic sites, historic resources or known archeological sites. A Phase I archeology survey is not required on the subject property.
18. **Environmental**—The Environmental Planning Section previously reviewed the following applications and associated plans for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
4-91030	TCPI-026-91	Planning Board	Approved	7/18/1991	N/A
DSP-05073 (Parcel 9)	TCPII-133-91-04	Planning Board	Approved	3/30/2006	06-74
NRI-090-05	N/A	Staff	Expired	9/15/2005	N/A
4-97124	TCPI-026-91-02	Planning Board	Approved	12/18/1997	98-84
NRI-090-05-01	N/A	Staff	Approved	4/28/2016	N/A
CSP-16003	TCPI-026-91-04	Planning Board	Pending	Pending	Pending
4-16013	TCPI-026-91-04	Planning Board	Pending	Pending	Pending

The two parcels under review are currently zoned M-X-T, but there is a lengthy zoning history for this site. In 1978, the Brandywine-Mattawoman Sectional Map Amendment rezoned the entire Brandywine 301 Industrial Park property from the R-R (Rural Residential) Zone to the E-I-A (Employment and Institutional Area) Zone.

The property was later rezoned in 1985 through Zoning Map Amendment A-9502-C from the E-I-A Zone to the I-1 and I-3 Zones. The 1993 *Subregion V Approved Master Plan and Sectional Map Amendment* retained the property in the I-1 and I-3 zoning categories (CR-61-2006). On July 24, 2013, the District Council adopted County Council Resolutions CR-80-2013 and CR-81-2013 approving the approved 2013 Subregion 5 Master Plan and SMA, which included the rezoning of approximately 48 acres of the Brandywine 301 Industrial Park Subdivision to the M-X-T Zone, including Parcels 8 and 9.

Portions of this site were previously evaluated by the Environmental Planning Section in conjunction with previous applications, including review and approval of Zoning Map Amendment ZMA-9502-C; Preliminary Plan of Subdivision 4-91030 and Type I Tree Conservation Plan TCPI-026-91; and Preliminary Plan of Subdivision 4-97124 and Type I Tree Conservation Plan TCPI-026-91-02. A Type II Tree Conservation Plan, TCPII-133-91, for the entire Brandywine 301 Industrial Park was first approved on July 13, 1998, which has had numerous revisions and expansions to reflect the development of Brandywine Crossing, and includes the subject property. An NRI-158-06 and an '-01' revision for the Brandywine 301 Industrial Park were approved in 2008, but both have since expired.

Parcel 9 was subject to the approval of Detailed Site Plan DSP-05073 and Type II Tree Conservation Plan TCPII-133-91-04 for a 17,992-square-foot office/warehouse under I-1 zoning standards. Grading was completed, but no structure was constructed, and the DSP has since expired.

Proposed Activity

The current application is a PPS and revised TCPI, which includes a change of use from previous approvals to multifamily dwellings on Parcels 8 and 9. As a new PPS, the application is also subject to review for other current and applicable standards.

Grandfathering

This application is subject to environmental regulations that came into effect on September 1, 2010, because the application is a new PPS. It is being concurrently reviewed with a conceptual site plan, which must be approved first.

The application is subject to the Woodland and Wildlife Habitat Conservation Ordinance, Subtitle 25, Divisions 2, which became effective September 1, 2010, because this is a new project.

Site Description

The overall property of the Brandywine 301 Industrial Park, including Brandywine Crossing, Phase III, has expanded over time to include 182.35 acres in the I-1, C-S-C, and M-X-T Zones.

The current application is for a 12.38-acre site comprised of two parcels in the M-X-T Zone located on the east side of Matapeake Business Drive within the Brandywine Crossing development. Both Parcels 8 and 9 have been previously graded in accordance with Type II Tree Conservation Plan TCPII-133-91, as revised.

A platted 100-year floodplain easement is co-located adjacent to the eastern property boundaries of the two parcels on the property line. Steep slopes which occur on the site are the result of previous grading and stockpiling operations. The predominant soils found to occur according to the U. S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), Web Soil Survey (WSS), include Grosstown gravelly silt loam; and Udorthents, evidence of previous gravel mining on the site. According to available mapping information, Marlboro clay and

Christiana clay does not occur on or in the vicinity of this property. There is potential forest interior dwelling species (FIDS) habitat mapped on-site contiguous with FIDS habitat mapped east of the current application site within the 100-year floodplain and on properties located to the east, and the Timothy Branch stream valley acts as a wildlife corridor Mattawoman. According to information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur on or in the vicinity of this property. There are wetlands, wetland buffers and a stream system located to the east of Parcels 8 and 9, which is part of the Mattawoman Creek subwatershed, and the Potomac River basin. The site has frontage on Business Drive, which is identified as a major collector in the MPOT. Potential noise issues related to the residential use proposed will be evaluated by the Development Review Division (DRD). The site is located within: the Subregion 5 Master Plan; Environmental Strategy Area (ESA) 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035; the Brandywine Town Center, and the Priority Funding Area. According to the 2005 *Approved Countywide Green Infrastructure Plan*, contained in the recently approved 2017 *Resource Conservation Plan*, the site contains regulated areas and evaluation areas.

Conformance with the 2013 Approved Subregion 5 Master Plan and Sectional Map Amendment

The 2013 *Approved Subregion Master Plan and Sectional Map Amendment* were approved by the District Council Resolutions (CR-80-2013 and CR-81-2013) on July 24, 2013, rezoning approximately 48 acres on the east side of Matapeake Business Drive to the M-X-T Zone, including the two parcels which are the subject of the current application. The current application is a development requirement related to the change in use from industrial to residential and conformance with the current zoning.

Conformance with Plan Prince George's 2035 Approved General Plan

The site is located within ESA-2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan Prince George's 2035, and in the Brandywine Town Center. Plan 2035 designated 26 Local Centers, as focal points for development and civic activity based on their access to transit or major highways. Plan 2035 contains recommendations for directing medium- to medium-high residential development, along with limited commercial uses, to these locations. The proposed medium-density multifamily residential development is consistent with the General Plan.

Conformance with Green Infrastructure Functional Master Plan

The current Green Infrastructure Plan was adopted on April 19, 2017 as part of the *Resource Conservation Plan* and contains policies and strategies to be implemented through the development process, which are shown below in **bold font**. Findings for each strategy follow in standard font.

POLICY 1: Preserve, enhance and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored and/or established by:**
- a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
 - d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these landscapes.**
 - e. Coordinating implementation between County agencies, with adjoining jurisdictions and municipalities, and other regional green infrastructure efforts.**
 - f. Targeting land acquisition and ecological restoration activities within state-designated priority waterways such as stronghold watersheds and Tier II waters.**

The Timothy Branch Stream Valley primary management area and the 100-year floodplain easement co-located on the eastern property line has not been shown on the PPS or TCPI. The required 25-foot-wide building restriction from the existing 100-year floodplain easement, or as expanded, shall be respected.

- 1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored and protected.**
- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**
 - b. Prioritize use of public funds to preserve, enhance, connect, restore and protect critical ecological systems.**

No sensitive species project review areas have been identified within this site on the expired NRI-158-06-01, and the revalidation of the NRI should confirm the previous finding. The Timothy Branch Stream Valley Park connects with Mattawoman Creek which is a special conservation area (SCA). The current application maintains the connectivity of the stream valley with the designated SCA, although there are some blockages south of this site resulting from transportation improvements.

POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**
- 2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

No networks gaps have been identified with the current application. If off-site mitigation for woodland conservation is required, it will be placed in an approved bank, with preference to locations with the same subwatershed and basin.

POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.

- 3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**
 - a. Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced or new roads are constructed.**
 - b. Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer they must be designed to minimize clearing and grading and to use low impact surfaces.**

Trail/walking connections to the north and south of this development site will be provided within the public right-of-way by widening the existing sidewalk along Matapeake Business Drive to a

width of eight feet, with an enhanced landscape strip equivalent to requirements found in the 2010 *Prince George's County Landscape Manual* (Landscape Manual).

POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.

- 4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

The 100-year floodplain adjacent to this site has already been placed in a platted conservation easement. If any portion of 100-year floodplain is found to extend onto the current site when the NRI is reapproved, will be placed into a conservation easement at time of final plat. Based on plans submitted, no woodland conservation is proposed to be retained on-site. It is recommended that the residential buildings be located so the buildings are directly adjacent to the green infrastructure network, providing attractive views and connection with the adjacent stream valley park. The proposed layout will be further evaluated with review of a DSP.

POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**

Stormwater management provided on-site to meet water quality standards will be in micro-bioretenion areas. Impacts to regulated environmental features are limited to those identified with prior PPS approvals.

- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

A stream valley corridor of off-site wooded floodplain has been preserved adjacent to the developing property.

POLICY 7: Preserve, enhance, connect, restore and preserve forest and tree canopy coverage.

General Strategies for Increasing Forest and Tree Canopy Coverage

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**

No woodland conservation is located on-site under the current application. The additional woodland conservation requirement of 1.22 acres, based on 2:1 replacement for clearing below the threshold, is to be provided through off-site banking, is consistent with the density proposed for the site and the desired development pattern within a Town Center.

7.2 Protect, restore and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

The use of native plants on site will be addressed through the Landscape Manual sustainable landscaping requirements.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

Appropriate location for trees and appropriate soil treatments and amendments will be addressed through design criteria and planting requirements of the Landscape Manual.

Forest Canopy Strategies

7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.

The forest edge is to be moved off the developing site and into the adjacent stream valley. All on-site planting will be addressed as part of the landscape plan in conformance with the Landscape Manual.

7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.

The connected, closed canopy forest of the adjacent stream valley will be protected and maintained after development of this site.

7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.

The concept layout shown on the SWM concept plan and TCPI includes central open space and environmental site design techniques for the treatment of stormwater. The layout and site design, including green areas, tree canopy coverage and conformance with the requirements of the Landscape Manual will be further evaluated with review of a DSP.

POLICY 12: Provide adequate protection and screening from noise and vibration.

- 12.2 Ensure new development is designed so that dwellings or other places where people sleep are located outside designated noise corridors. Alternatively, mitigation in the form of earthen berms, plant materials, fencing, or building construction methods and materials may be used.**

The proposed residential use is not located in a noise or vibration corridor based on the master planned classification of the roadways.

Environmental Review

As revisions are made to the plans submitted the revision boxes on each plan sheet shall be used to describe what revisions were made, when, and by whom.

Natural Resource Inventory/Environmental Features

An approved Natural Resources Inventory Equivalency Letter (NRI-158-06-03) was submitted with the application. The issuance of this letter was based on the finding that there were regulated environmental features located on Parcel 8 and 9, there was an implemented TCPII, and there was no change to the limit of disturbance (LOD) based on information submitted by the applicant.

With the current application, a change to the LOD on Parcels 8 and 9 is shown, and there is not consistency in reflecting the regulated environmental features of the site on the CSP, PPS, and TCPI. In addition, DPIE requested a verification of the 100-year floodplain site. To confirm the location of the 100-year floodplain, the required stream buffers, and the location of the primary management area, and in response to change to the limit of disturbance on these two parcels, an NRI equivalency letter is insufficient, and an NRI is required. This can be in the form of a revision to NRI-158-06, or a separate NRI limited to Parcels 8 and 9.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because there are previously approved Type I and Type II tree conservation plans for the site. The TCPI and TCPII are for the gross tract area of the overall site which is 182.35 acres, which encompasses all parcels of the original TCPI and additional lots from Long's Subdivision. The Woodland Conservation Threshold for TCPI-026-91-04 is 24.58 acres, based on a 15 percent woodland conservation requirement in the M-X-T, I-1, I-3, and C-S-C Zones.

The amount of woodland conservation required based on the clearing of 19.09 acres on-site, 0.05 acres of clearing in the 100-year floodplain, and 1.25 acres of off-site clearing, is 35.85 acres. The TCPII proposes to meet the requirement with 16.26 acres of on-site preservation, and 19.59 acres of off-site mitigation. The additional off-site woodland conservation requirement of 1.22 acres has resulted from the clearing of 0.61 acres from Parcel 8 and 9 at a replacement rate of 2:1 (below the threshold) which can no longer be provided on-site.

Technical revisions to the TCPI are required by conditions of approval of this application.

Regulated Environmental Elements

No regulated environmental features exist on the subject property according to the expired NRI plan, but a platted 100-year floodplain easement runs along the eastern boundary line of the property. The location of this 100-year floodplain easement is immediately adjacent to this site has not been indicated on the PPS, but was shown on the expired NRI plan, and is shown on the TCPI. The location of the 100-year floodplain easement shall also be labeled on the PPS.

DPIE has requested confirmation of the 100-year floodplain delineation for the site, which will be necessary to complete a full review of the required NRI plan. If the 100-year floodplain is more extensive than the previous delineation and extends on the subject property, it shall be delineated on the PPS and TCPI, and placed in a conservation easement at time of final plat.

The PPS and TCPI shall also show the location of the 25-foot-wide required 100-year floodplain buffer as required by Subtitle 32, Division 4. At time of final plat, the 25-foot-wide 100-year floodplain buffer shall be placed on the plat.

No impacts to regulated environmental features were requested with the current application, and no Statement of Justification was submitted. Because no impacts were requested, and no updated NRI was provided showing the approved floodplain limits, the limits of disturbance on the TCPI shall be revised as necessary to avoid impacts to the PMA if it extends onto the subject site.

Based on the level of design information currently available, the limits of disturbance shown on the TCPI, the regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible.

19. **Urban Design**—This case is being processed concurrently with Conceptual Site Plan CSP-16003. The following comments are offered with respect to the Urban Design review of the PPS:

Conformance with the Requirements of the Zoning Ordinance

Multifamily residential units are permitted in the M-X-T Zone. The property is the subject of Conceptual Site Plan CSP-16003, which proposes 300 to 325 multifamily units, in conjunction with 47,920 square feet of existing commercial space on adjacent Parcel 7.

Conformance with the following Zoning Ordinance regulations is required for the proposed development at the time of the required DSP review including, but not limited to, the following:

- Section 27-543(a) regarding the uses allowed in the Mixed Use–Transportation Oriented Zone;
- Sections 27-544 and 27-548 regarding regulations in the M-X-T Zone; and
- Section 27-547(b) regarding the Table of Uses for the M-X-T Zone.

Section 27-548(g) of the Zoning Ordinance reads as follows:

Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.

A lot is defined in Section 27-107.01(a)(129) as follows:

Lot: A designated area of land to be used, developed, or built upon as a unit (in accordance with this Subtitle), and having the minimum contiguous area required for a "Lot" in the applicable zone and frontage on a public "Street," or private road, right-of-way, or easement approved in accordance with Subtitle 24. A "Lot" shall be made up of one (1) or more entire "Record Lots."

The submitted PPS 4-16013 shows two parcels, each with direct frontage on Matapeake Business Drive, a public street. If both parcels are proposed to share one vehicular access, they will be considered one lot for development purposes and will be required to be reflected together on future DSPs and permit plans for development of the site.

Conformance with Conditions of Prior Approvals

Conceptual Site Plan CSP-16003—Conceptual Site Plan CSP-16003 was heard before the Planning Board on July 13, 2017, and approved subject to five conditions. The following are applicable to this PPS:

2. **Total development within the subject property shall be limited to uses which generate no more 162 AM peak trips, and 187 PM peak trips. Any development generating an impact greater than that identified herein above shall require a new determination of the adequacy of transportation facilities.**

The condition above is consistent with findings and recommendations provided with this PPS.

Conformance with the 2010 Prince George's County Landscape Manual

Per Section 27-544(a) of the Zoning Ordinance, landscaping, screening, and buffering for the property zoned M-X-T is subject to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual should be determined at the time of DSP review when detailed information is submitted. The following discussion of the relevant provisions of the Landscape Manual is provided for informational purposes.

- a. **Section 4.1, Residential Requirements**—This section requires a certain number of plants be provided based on the amount of green area provided within the multifamily development.

- b. **Section 4.3, Parking Lot Requirements**—This site will be subject to Section 4.3, which requires that a minimum interior planting space be provided within proposed parking lots, as will be needed for the multifamily development.
- c. **Section 4.6, Buffering Development from Streets**—Compliance with Section 4.6, Buffering Residential Development from Streets, is required along Matapeake Business Drive, which is a master-planned major collector roadway. The site is within the geography previously designated as the Developing Tier and reflected on Attachment H(5) of Plan Prince George's 2035 as found in PGCPB Resolution No. 14-10 (see County Council Resolution CR-26-2014, Revision No. 31); therefore, a 50-foot-wide planting strip is required between the multifamily development and the street.
- d. **Section 4.7, Buffering Incompatible Uses**—This site will be subject to Section 4.7, Buffering Incompatible Uses. This section does not apply to the interior property lines of unified developments. More specific information regarding bufferyard requirements along exterior property lines will be evaluated at the time of DSP.
- e. **Section 4.9, Sustainable Landscaping Requirements**—This site will be subject to Section 4.9, which requires that a percentage of the proposed plant materials be native plants, along with other sustainable practices.

Conformance with the Tree Canopy Coverage Ordinance

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that propose more than 5,000 square feet or greater of gross floor area or disturbance and require a grading permit. The subject site is zoned M-X-T and is required to provide a minimum of ten percent of the gross tract area to be covered by tree canopy. Compliance with this requirement will be further evaluated at the time of DSP review.

Recreational Facilities

The Subdivision Regulations requirement for mandatory parkland dedication (Section 24-134) is proposed to be met by a combination of on-site facilities and a fee-in-lieu according to the submitted PPS. In the review of Conceptual Site Plan CSP-16003, the Department of Parks and Recreation (DPR) agreed that private recreational facilities are appropriate given the proposed use of the property. The requirement for private on-site recreational facilities has been carried forward in this PPS. The CSP illustrative shows a clubhouse, pool and green spaces which would be appropriate for on-site facilities. The proper siting of the private on-site recreational facilities shall be reviewed at the time of DSP review. Further design issues will be evaluated at the time of DSP.

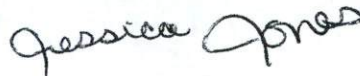
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

* * * * *

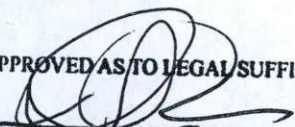
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Geraldo, with Commissioners Washington, Geraldo, Bailey, Doerner, and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 20, 2017, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 27th day of July 2017.

Patricia Colihan Barney
Executive Director


By Jessica Jones
Planning Board Administrator

PCB:JJ:SC:rpg


APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC Legal Department

Date

7/25/17