

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board has reviewed A-9997 requesting E-I-A and L-A-C zones to the L-A-C zone in accordance with Subtitle 27 of the Prince George's County Code; and

WHEREAS, after consideration of the evidence presented at the public hearing on May 8, 2008, the Prince George's County Planning Board finds:

- A. **Location and Field Inspection:** The subject property is located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, extending through to General Lafayette Boulevard. The site is largely undeveloped and wooded. A tributary of the Timothy Branch bisects the property from north to south.
- B. **History:** The subject property is a portion of the larger Brandywine Village development approved in 1993 consisting of 277 acres of land in the E-I-A, L-A-C and R-M Zones. The 1993 Subregion V SMA rezoned the majority of the subject property from the M-A-C (Major Activity Center) Zone to E-I-A (Employment and Institutional Area). The small areas of L-A-C (Local Activity Center) and R-M (Residential-Medium) Zones were based on road alignments anticipated at the time the master plan was approved, but later revised.

On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision 4-96083 to dedicate Chadds Ford Road and General Lafayette Boulevard to public use and to divide the resultant land bays into four outlots. A Type I Tree Conservation Plan (TCPI/47/96) was approved for the subject property at that time.

Since that time there have been several applications approved by the Board for the residentially zoned section of the overall development, west of the subject property.

- C. **Master Plan Recommendation:**

2002 General Plan: These applications are located in a possible future center in the Developing Tier. The vision 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. "The Centers in the Developing Tier should be developed at densities that are high enough to generate ridership that justifies the cost of extending rail transit. Developing Tier Centers...should be developed at sufficient intensities with integrated mixed land uses, sustain existing bus service, and create additional opportunities for more walk-, bike-, or drive-to-transit commuting." (General Plan, p. 43)

Master Plan: The 1993 Subregion V approved master plan recommends Employment-Office/Light Manufacturing/Business Park land use. Small portions are shown for residential or commercial land use based on road alignments anticipated when the master plan and SMA were approved, but subsequently changed.

- D. **Request:** The applicant is requesting the rezoning of the assembled properties from the E-I-A Zone, and L-A-C Zone to the L-A-C Zone. After discussions with the staff, the applicant has considered an amendment to the application to rezone the entire 44.33 acres to the L-A-C Zone. This project would consist of residential and commercial land uses distributed in two parallel development pods located along both sides of a stream corridor that consists of a wetland and narrow forested area. This stream corridor separates the proposed residential development pod from the proposed commercial development pod. These varying land use types require separate access points oriented to Chadds Ford Drive, a local road. Future commercial development, mostly commercial office, is proposed between US 301 and the stream. No direct access to US 301 is proposed.

The proposed basic plan, if amended to propose the L-A-C Zone for both applications, reflects the following land use types and quantities:

GROSS TRACT:	44.33 acres
FLOODPLAIN* EASEMENT:	11.73 acres
NET TRACT:	32.60 acres

*Floodplain acres, per TCP-I/47/02, approved on May 25, 2005, are 9.46 acres; these calculations are based on the floodplain as shown on record plat 5-98177.

WESTERN PROPERTY: A-9996 (L-A-C)

GROSS TRACT:	20.28 acres
FLOODPLAIN:	0.82 acre
NET TRACT AREA:	9.46 acres

Base density 20.28 at 8.0 du/acre:	162 units
Maximum density 20.28 at 12.1 du/acre	245 units

Proposed Land Use Types and Quantities:

Single-family attached, two-family attached (two-over-two)

EASTERN PROPERTY: A-9997 (L-A-C)

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acres
NET TRACT AREA	13.14 acres

Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 sq ft.
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 sq ft.

Proposed Land Use Types and Quantities:

Commercial/office, retail

E. **Surrounding Uses:** The property is surrounded by the following uses:

North— Single-family residence and agricultural fields in the R-R Zone.

East— Across US 301 are single-family residences and undeveloped land in the I-3 and C-S-C Zones.

South— Undeveloped land in the L-A-C Zone.

West— Land being developed as the large Chaddsford mixed residential development in the R-M Comprehensive Design Zone.

F. **Zoning Requirements:** Section 27-195(b) provides that prior to the approval of the application and the basic plan, the applicant shall demonstrate, to the satisfaction of the District Council, that the entire development meets the following criteria:

(1)(A) **The proposed Basic Plan shall either conform to:**

- (i) **The specific recommendation of a General Plan map, Area Master Plan map, or urban renewal plan map; or the principles and guidelines of the plan text which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties; or**
- (ii) **The principles and guidelines described in the Plan (including the text) with respect to land use, the number of dwelling units, intensity of nonresidential buildings, and the location of land uses.**

Applicant's Position: The applicant contends that the proposed plan conforms to the principles and guidelines of the General Plan, which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties.

Staff Comment: The comments from the Community Planning Division (referral dated March 3, 2008) go into great detail about the vision of the 2002 General Plan. These comments, which the Planning Board adopts, are noted below:

In approving the 2002 General Plan, the District Council states that “upon approval, the General Plan...will amend current master plans and functional plans with respect to countywide goals, objectives, policies and strategies...” (CR-47-2002 (DR-2), page 2, lines 9–13) Accordingly, there are several General Plan goals, guiding principles, priorities, objectives and policies with respect to Centers in the Developing Tier that are pertinent to evaluation of these applications.

Economic Development

The 2002 General Plan specifies that “with the exception of high-quality schools, quality economic development is the highest countywide priority. Related to this, a major objective of the general plan is to increase the jobs to population ratio (J:P) by 39 percent over the next 25 years.” (p. 75) In addition, the General Plan includes “detailed criteria for future planning priorities in designated growth Tiers, Centers, Corridors, and countywide” in Table 8: Evaluation Criteria (p. 98). It is worth noting that for centers or corridors, one of three criteria is the “potential for mixed-use projects with a heavy employment component that will increase the jobs-to-housing ratio.” Approval of these applications will not help the county achieve its economic development objectives.

Developing Tier—Possible Future Center Designation

These applications are located in a possible future center in the Developing Tier. A possible future center is one that is anticipated for more intense development at some point in the future. At all General Plan designated centers, development is envisioned as an intense mix of land use types (both vertical and horizontal) with a strong emphasis on pedestrian- and transit-oriented design, not the traditional office or suburban development. Three key elements in the design of a successful center are DESIGN, DENSITY and DIVERSITY. These elements include the definition of core areas, appropriate land uses, a mix of uses, intensity of development, and the transit- and pedestrian-oriented development design characteristics. Orientation to rail, express bus, or feeder bus stops are essential features of the development concept (General Plan, pp. 44-49):

Core areas should include the most intensive development located in proximity to and supportive of a mass transportation facility.

Center land uses should be developed at densities sufficient to support transit use, and should exclude land extensive uses that do not.

The mix of uses in each Center should be diverse to generate transit ridership throughout the day, as well as promote walking trips within the Center.

Design of each Center should reinforce the functions of transit-oriented development including minimum densities (at appropriate locations), street connectivity standards, continuous sidewalks, maximum building setbacks, bus stops, public spaces, traffic calming, parking, streetscaping, architectural standards, street furniture, public art, bike parking and lockers.

Although some of these design elements can be addressed in site plan reviews following approval of a comprehensive design zone, these applications do not propose a development pattern that will sufficiently contribute to realizing General Plan concepts for centers in this area. Instead, a fairly typical, automobile-oriented, suburban

development pattern of separated land uses is proposed.

The Villages at Timothy Branch, Rezoning Applications A-9987 and A-9988

Applications A-9987 and A-9988 request rezoning approximately 334 acres from the E-I-A and I-3 Zones to the R-M Zone (262 acres) and L-A-C Zone (72 acres) on the east side of US 301 within approximately one mile to the northeast of this application in Chaddsford Village. These applications are also within the area designated as a possible future General Plan center at the community level in Brandywine. Thus, these applications are all in somewhat similar situations in that they both request rezoning from zones (E-I-A or I-3) strictly oriented to implementing the employment land use recommendations of the 1993 master plan to zones more oriented to implementing commercial and residential land uses based on mixed-use, transit- or pedestrian-oriented development policy recommendations of the 2002 General Plan.

In its decision on November 29, 2007, the Planning Board recommended approval of the R-M Zone for application A-9987 and approval of the L-A-C Zone for application A-9988, The Villages at Timothy Branch, and made the following findings:

The Planning Board finds that the proposed plan conforms to the principals and guidelines of the General Plan, which address the design and physical development of the property, the public facilities necessary to serve the proposed development, and the impact which the development may have on the environment and surrounding properties. The General Plan lays the foundation for all future planning activities in the county. This guidance is expressed as goals, objectives, policies, and strategies that, taken together, determine the preferred development pattern and the transportation system, public facilities, and environmental features needed to accommodate that pattern. Countywide goals featured in the General Plan included encouraging quality economic development and making efficient use of existing and proposed local, state and federal infrastructure investment.

The General Plan locates the property in the Developing Tier of the county, which is defined as a largely suburban area located primarily in the central portion of the county. The property is further defined as a possible future “community center” in a “corridor with limited access.” Within the Developing Tier, a policy overlay for centers and corridors focuses on specific areas where more intense development is encouraged to take advantage of public investments in transportation facilities. Visions for the Developing Tier include *distinct commercial centers*; compact, *higher-intensity, mixed uses* in centers and corridors; and community focal points in planned commercial centers.

The General Plan strongly recommends mixed residential and non-residential such as will be provided in the L-A-C Zoned portion of the property which provides for an “active adult” community as well as commercial/office, retail, light industrial flex space for office, manufacturing, warehousing and distribution uses.

Community centers are defined in the General Plan as areas with a “concentration of activities, services and land uses that serve, and are focal points for, the immediate neighborhoods.” The Brandywine Center is specifically described in the General Plan as follows, “[t]he Brandywine Center is located on *both side of MD 5/US 301* north of the Charles County line. On the east side is a partially developed employment area. On the west side is the Brandywine Special Study Area identified in the 1993 Subregion V Master Plan. This area is currently recommended for a mix of residential, employment and retail uses.” As stated on page 43 of the Plan, “these are areas where the benefits to the County for future development can far outweigh the costs to the County.” Thus, the basic plan for this property conforms to the principles and guidelines as outlined in the General Plan.” (See PCGPB Resolution No. 07-215, pp. 3–4)

Thus, the Planning Board has found that the L-A-C and R-M Zones conform to policy recommendations of the General Plan for mixed land uses in the designated centers (or possible future centers) in the Developing Tier, such as in Brandywine.

Staff recognizes and supports the General Plans’ objectives regarding the jobs to population ratio. However, in order to provide flexibility to design a more integrated mix of residential and commercial (including office employment) uses as advocated by General Plan policies, consideration should be given to amend application A-9996 to also request the L-A-C Zone, which not only allows, but also encourages, a mix of residential and commercial land uses at densities similar to those currently proposed. If these applications were amended in this manner, staff could find the proposal to be in accordance with the recommendation of the 2002 General Plan.

(B) The economic analysis submitted for a proposed retail commercial area adequately justifies an area of the size and scope shown on the basic plan.

The applicant submits that there is sufficient consumer demand not met from within the nearby residential development to support two proposed retail pad sites of at least 14,657 square feet.

The Research Section has reviewed the analysis submitted by the applicant and in a memo dated December 11, 2007 submitted the following comments:

Staff has reviewed the economic analysis, as submitted for the proposed rezoning of a 24.87-acre site from the E-I-A to the L-A-C Zone. The applicant’s basic plan shows three office buildings each containing 63,000 square feet of space for a total of 189,000 square feet of office space and 14,657 square feet of retail space. Staff does agree with the applicant’s assessment that the proposed retail space is adequate to serve the needs of the local population; however, there are some concerns with the economic analysis, as it pertains to the current and future demand for residential-serving office space in the area. The Research Section questions the applicant’s decision to exclude the residents and office development in nearby Charles County, finding that the border between the two counties does not represent enough of a physical or psychological

border particularly as the market for local-serving office space is considered. This results in an inconsistency in the applicant's estimation methodology when comparing the office-to-population ratio in Prince George's County and Charles County. They also note the recent Timothy Branch L-A-C applications (A-9987 and A-9988) could potentially further reduce the overall demand for office space.

Staff agrees that all of these factors would tend to bring into question the demand for office space on the site. However, we note that this finding specifically addresses the proposed retail commercial uses shown on the basic plan (14, 657 square feet of GFA) rather than office commercial space. Staff has no concerns with the amount of proposed retail, finding it to be justified.

- (C) **Transportation facilities, including streets and public transit, (i) which are existing, (ii) which are under construction, or (iii) for which 100 percent of the construction funds are allocated within the County Capital Improvement Plan, within the current State Consolidated Transportation Program, or provided by the applicant, will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. The uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved General or Area Master Plan, or urban renewal plans.**

The Transportation Planning Section in a memo dated March 17, 2008, concludes that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195 of the Prince George's County Code.

The subject property is in 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:

1. **Links and signalized intersections:** Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better, is required in the Developing Tier.
2. **Unsignalized intersections:** The Highway Capacity Manual procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls), if deemed warranted by the appropriate operating agency.

Review Summary—Traffic Impact Study

The applicant has not submitted a traffic study with this application. It is anticipated that future

comprehensive design plan and preliminary plan of subdivision applications will be accompanied by a traffic study that will examine the site impact at the following existing intersections:

US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
US 301/MD 5 and Chadds Ford Drive (signalized)
US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
Chadds Ford Drive and General Lafayette Boulevard (unsignalized)

The site is currently zoned E-I-A, L-A-C, and R-M. Most of the site (more than 90 percent) is zoned E-I-A; the residual pieces were the product of the placement of zoning lines and the ultimate placement of the roadway system in consideration of constraints that were unknown at the time of zoning. At the time of zoning, under Zoning Map Amendment A-9878, the E-I-A portion of the site was proposed to be developed with 320,600 square feet of E-I-A uses. While this has effectively been assumed to be 50 percent office and 50 percent light service industrial space—and the rezoning was analyzed in that manner in 1992—the zoning would allow a richer mix of office space if it could be accommodated under the trip cap.

The original Brandywine Village rezoning had the following trip generation associated with it:

A-9996 and A-9997, Chaddsford			
Trip Generation of 1992 Rezoning Proposal (R-M, L-A-C, & E-I-A under A-9878)			
Use	Quantity	AM Trips	PM Trips
Residential, single-family	11 units	8	10
Residential, townhouse	615 units	431	492
Residential, multifamily	340 units	177	204
Retail	115,870 square feet	0	372
Office	160,300 square feet	320	296
Light Service Industrial	160,300 square feet	138	138
Total within 1992 Rezoning Proposal		1,074	1,512

Most of the site has been developed under the names Brandywine Village or Chaddsford, with only the areas under the two subject applications lacking advanced approvals. To date, the following has been built, approved, or is pending, using applicable trip generation rates:

PGCPB No. 08-74
File No. A-9997
Page 9

A-9996 and A-9997, Chaddsford Trip Generation of Approved Uses With “Remaining” Representing the Remainder of the 1992 Rezoning Trip Cap			
Use	Quantity	AM Trips	PM Trips
Residential, single-family	311 units	233	280
Residential, townhouse	132 units	92	106
Residential, multifamily	0 units	0	0
Retail	97,597 square feet	77	312
Office	0 square feet	0	0
Light Service Industrial	0 square feet	0	0
Remaining – Applicable to the Current Zoning Cases		672	814
Total within 1992 Rezoning Proposal		1,074	1,512

This information was summarized in materials provided with the application, but utilized older versions of plans, and, in the case of the shopping center being developed within the L-A-C portion of the site, included an adjacent property not included under the A-9878 trip cap. The remaining trips in the above analysis represent the most current approved or submitted plans and only areas covered by A-9878.

The applicant provided materials summarizing the trip generation of two R-M/L-A-C proposals—one with more office space and one with more retail space. Additionally, a table has been provided summarizing the achievable development (base density and maximum density) under the scenario of rezoning the entire site to L-A-C. The following four tables summarize the trip generation of these options:

A-9996 and A-9997, Chaddsford, Trip Generation of R-M and L-A-C Proposal Commercial Option 1			
Use	Quantity	AM Trips	PM Trips
Residential, single-family	54 units	233	279
Residential, townhouse	36 units	198	226
General office	189,000 square feet	378	350
Drive-in bank	3,500 square feet	43	160
Less Pass-By/Internal of 37% AM/47% PM		-16	-75
Drive-in pharmacy	14,600 square feet	39	126
Less Pass-By/Internal of 37% AM/47% PM		-15	-62
Total within R-M and L-A-C		495	577

A-9996 and A-9997, Chaddsford, Trip Generation of R-M and L-A-C Proposal Commercial Option 2			
Use	Quantity	AM Trips	PM Trips
Residential, single-family	54 units	233	279
Residential, townhouse	36 units	198	226
General office	126,000 square feet	252	233
Shopping center	32,200 square feet	81	386
Less Pass-By/Internal of 60% AM & PM		-39	-242
Drive-in bank	3,500 square feet	43	160
Less Pass-By/Internal of 37% AM/47% PM		-16	-75
Drive-in pharmacy	14,600 square feet	39	126
Less Pass-By/Internal of 37% AM/47% PM		-15	-62
Total within R-M and L-A-C		401	614

A-9996 and A-9997, Chaddsford, Trip Generation of L-A-C ONLY Proposal (at Base Intensity/Density)			
Use	Quantity	AM Trips	PM Trips
Residential, townhouse	0 units	0	0
Residential, multifamily	245 units	113	130
Shopping center	209,526 square feet	244	1,340
Less Pass-By/Internal of 40% AM & PM		-122	-670
Total within L-A-C		235	800

A-9996 and A-9997, Chaddsford, Trip Generation of L-A-C ONLY Proposal (at Maximum Intensity/Density)			
Use	Quantity	AM Trips	PM Trips
Residential, townhouse	0 units	0	0
Residential, multifamily	245 units	127	147
Shopping center	324,761 square feet	317	2,078
Less Pass-By/Internal of 50% AM & PM		-159	-1,039
Total within L-A-C		285	1,186

The following table compares trip generation of the three proposals versus the remaining trip cap. There is no cap on daily trips under A-9878; daily is estimated using the maximum office space that could be achieved under the available cap:

A-9996 & A-9997, Chaddsford, Comparison of Overall Trip Generation Existing Zoning versus R-M/L-A-C Proposals			
Zoning or Use	Units or Square Feet	AM Pk Hr Trips	PM Pk Hr Trips
		In	In
Existing Zoning			
E-I-A (remaining trip cap)	(remaining trip cap)	672	814
Proposed Zoning			
R-M/L-A-C	(per above tables)		
- Commercial Option 1		495	577
- Commercial Option 2		401	614
L-A-C ONLY (BASE)		235	800
L-A-C ONLY (MAXIMUM)		285	1,186
Differences (between bold numbers)			
R-M/L-A-C			
- Commercial Option 1		-177	-237
- Commercial Option 2		-271	-200
L-A-C ONLY (BASE)		-437	-14
L-A-C ONLY (MAXIMUM)		-387	+372

These analyses indicate that either the R-M/L-A-C split zoning or the L-A-C-only option can conform to trip caps considered by A-9878 as a part of the existing master plan. It is noted, however, that maximum densities under the L-A-C Zone would be more trip-intensive than was considered under the existing master plan. A more intensive level of zoning should only be considered within the context of restudying the master plan. It should be noted that an update to the Subregion V master plan is being developed at this time, but the timetable for completing that update is several months in the future.

This information is provided for purposes of establishing a record and allowing comment upon the scope of future studies as a part of this process. If the zoning is granted, detailed transportation conditions will be imposed at the time of the comprehensive design plan (CDP) and preliminary plan applications. Nonetheless, based on the materials submitted, at this time sufficient evidence is provided to show that the transportation system as exists, with improvements to be funded and constructed by the applicant and funded and constructed through the Brandywine Road Club, will be adequate to carry the anticipated traffic generated by the development based on the zones proposed. Transportation adequacy issues, including the status of the Brandywine Road Club, will be further reviewed at the time of CDP, and appropriate conditions will be imposed at that time.

Master Plan Impacts and Plan Comments

The area of these basic plans is adjacent to US 301/MD 5 and the C-502 facility. Regarding these major facilities, the following comments are offered:

1. Right-of-way along US 301/MD 5 must be dedicated consistent with the Subregion V master plan. While it appears that the existing right-of-way is consistent with the current recommendations in the master plan, a revised master plan may change those needs. The basic plan does not propose access to this facility, and any driveway access to this site from US 301/MD 5 would be inconsistent with the master plan recommendations.
2. Right-of-way along C-502 consistent with the master plan, for a total of 100 feet of right-of-way, has already been dedicated.

The basic plan shows an access plan based on the split R-M/L-A-C zoning. Access to the R-M portion poses no issue. Access to the L-A-C portion is proposed from Chadds Ford Drive, and that access is proposed only 240 feet from existing US 301/MD 5. This point of access is excessively close to US 301/MD 5 and would in all likelihood not be permitted by the State Highway Administration (SHA). Access to this portion of the site should be moved westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features, access should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact. Vehicular access from this site to the property to the north is supported.

The overall access plan within the Brandywine planning area is based, in part, on the institution of full access controls and the elimination of at-grade intersections along US 301/MD 5 between the Charles County line and the point where the two roadways split. On the west side of US 301/MD 5, the C-502 facility is planned to connect McKendree Road to a future A-55 facility. A-55 and McKendree Road would each connect to future interchanges along US 301/MD 5. It is advised that once the C-502 and the A-55 facilities are constructed to provide the essential connections to US 301/MD 5, the signal at Chadds Ford Drive should be removed. This requirement was placed on the underlying zoning through approval of A-9878 and should be continued if this site is rezoned.

Conclusions

Based on the preceding findings, the Transportation Planning Section would conclude that existing transportation facilities and those to be provided by the applicant will be adequate to carry the anticipated traffic generated by the development based on the maximum proposed density. Furthermore, the uses proposed will not generate traffic which would lower the level of service anticipated by the land use and circulation systems shown on the approved area master plan, in accordance with Section 27-195 of the Prince George's County Code, particularly based upon the proposed residential density and use. The application, if approved, should be approved with conditions in accord with the above findings.

- (D) Other existing or planned private and public facilities which are existing, under construction, or for which construction funds are contained in the first six years of**

the adopted County Capital Improvement Plan (such as schools, recreation areas, water and sewerage systems, libraries and fire stations) will be adequate for the uses proposed.

As indicated in the referral replies below, other public facilities are generally considered to be adequate for the uses proposed:

In a memo dated April 20, 2007, the Public Facilities Planning Section submits the following comments:

Fire and Rescue Facilities

The existing fire engine service at Brandywine Fire Station, Company 40, located at 14201 Brandywine Road, has a service travel time of 4.25 minutes, which is beyond the 3.25-minute travel time guideline.

The existing paramedic service at Brandywine Fire Station has a service travel time of 4.25 minutes, which is within the 7.25-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 8.55 minutes, which is beyond the 4.25-minute travel time guideline.

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

The above findings are in conformance with the *Approved Public Safety Master Plan*, 1990 and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Police Facilities

The approved 2002 General Plan addresses the provision of public facilities that will be needed to serve existing and future county residents. The plan includes planning guidelines for police facilities and they are:

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

The police facilities test is done on a countywide basis in accordance with the policies of the Planning Board. There are 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the latest population estimate is 825,520. Using the standard of 141 square feet per 1,000 residents, 116,398 square feet of space for police facilities are needed. The current amount of space available, 267,660 square feet, is above the guideline. The proposed development is within the service area for Police District V, Clinton.

Public Schools

The application proposes residential development only on the 20.28-acre property which is to be developed under the RM-Zone, yielding 160 dwelling units. The dwellings would generate 37 elementary school students, nine middle school students, and 18 high school students under current pupil yield calculations.

The staff used the principles and standards set forth in the CB-30-2003, CB-31-2003 and CR-23-2003 to assess the impact of this project and concluded the following:

Impact on Affected Public School Clusters

Affected School Clusters #	Elementary School Cluster 5	Middle School Cluster3	High School Cluster 3
Dwelling Units	245du	245du	245du
Pupil Yield Factor	.24	.06	.12
Subdivision Enrollment	51.45	9.6	19.2
Actual Enrollment	3,898	5,968	9,696
Completion Enrollment	148.8	90	181
Cumulative Enrollment	129.6	42.66	85.32
Total Enrollment	4,214.8	6,110.26	9,981.52
State-Rated Capacity	3,771	6,114	10,392
Percent Capacity	111.7687616	99.9382892	96.05003849

Source: Prince George's County Planning Department, M-NCPPC, September 2007

County Council Bill CB-31-2003 establishes 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 on an existing or planned mass transit rail station site operated by the Washington Metropolitan Area Transit Authority; or \$12,000 per dwelling for all other buildings. Council Bill CB-31-2003 allows these surcharges to be adjusted for inflation, and the current amounts are \$7,870 and \$13,493 to be a paid upon the issuance of each building permit.

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

The Special Projects Section staff finds that this project meets the adequate public facilities policies for school facilities contained in Section 27-195(b)(1)(D), CB-30-2003, CB-31-2003 and

CR-23-2003.

Conclusion

The existing or programmed public facilities are adequate to serve the proposed rezoning request.

- (E) Environmental relationships reflect compatibility between the proposed general land use types, or if identified, the specific land use types, and surrounding land uses, so as to promote the health, safety and welfare of present and future inhabitants of the Regional District.**

Generally, the proposed uses reflect compatibility between the proposed general land use types, the specific land use types, and surrounding land uses. The proposed residential and commercial land uses are distributed in two development pods located along either side of a stream which bisects the site. Each development pod is proposed for a single category of land use, either residential (west of the stream) or commercial (east of the stream). Thus, the residential and commercial development areas are located next to each other, but separated in a typical suburban design pattern. Greater integration would be appropriate and could be facilitated through the entire site being zoned L-A-C.

The Urban Design Section, in a memo dated November 9, 2007, provides the following additional comments:

Access and Circulation

The proposed residential units are accessed from three entryways on General Lafayette Boulevard via Chadds Ford Drive. However, there is no pedestrian sidewalk shown on the site plan to provide connection from the residential area to the proposed commercial area.

The subject property for A-9997 has frontage on US 301. The applicant proposes a primary access point to the proposed L-A-C Zone by use of existing Chadds Ford Drive. The plan shows the pedestrian circulation throughout the proposed commercial and residential areas. A master plan trail in the proposed L-A-C Zone will be accessed via existing Chadds Ford Drive.

Applicable Regulations

The project is subject to Subtitle 27, Zoning Part 8, Comprehensive Design Zones, Division 2, and Specific Comprehensive Design Zones, Subdivision 5, R-M Zone (Residential Medium Development) of the Prince George's Zoning Ordinance including, use list, regulations, general standards, public benefit features and density increment factors, and minimum size exceptions for the district.

The subject site had an approved stormwater management concept plan, which expired April 1, 2007. A valid SWM concept approval letter and plan should be provided at the time of comprehensive design plan.

Landscape Manual Conformance

If the proposal for rezoning is approved, the project will be subject to certain sections of the *Landscape Manual*. These include Section 4.1 Residential Requirements, Section 4.3 Parking Lot Requirements, Section 4.4 Screening Requirements, Section 4.5 Stormwater Management Facility Requirements, and Section 4.6 Buffering Residential Development from Streets. Although Section 4.7, Buffering Incompatible Uses, does not technically apply in Comprehensive Design Zones, staff uses the requirements of that section as a guide in evaluating buffering between what would be considered incompatible uses under the *Landscape Manual*. The compatibility issues with surrounding uses, both interior and exterior to the development, will be examined at the time of comprehensive design plan.

Design Guidelines

At time of comprehensive design plan, design standards and guidelines regarding basic style/design, finishing material, and color for buildings and signage should be established for review and approval of specific design plan.

- (2) **Notwithstanding subparagraphs (C) and (D) above, where the application anticipates a construction schedule of more than six years (Section 27-179), public facilities (existing or scheduled for construction within the first six years) will be adequate to serve the development proposed to occur within the first six years. The Council shall also find that public facilities probably will be adequately supplied for the remainder of the project. In considering the probability of future public facilities construction, the Council may consider such things as existing plans for construction, budgetary constraints on providing public facilities, the public interest and need for the particular development, the relationship of the development to public transportation, or any other matter that indicates that public or private funds will likely be expended for the necessary facilities. [27-195(b)(2)]**

It is anticipated that the construction schedule for the proposed development will not exceed six years.

- (3) **In the case of an L-A-C Zone, the applicant shall demonstrate to the satisfaction of the District Council that any commercial development proposed to serve a specific community, village, or neighborhood is either:**
- (A) **Consistent with the General Plan, an Area Master Plan, or a public urban renewal plan; or**
 - (B) **No larger than needed to serve existing and proposed residential development within the community, village, or neighborhood.**

Commercial development at this site would be consistent with the recommendation of the 2002 General Plan, which recommends the site as a possible future center in the Developing Tier. The applicant submitted a market study which was reviewed by the Research Section. The comments offered by the Research Section as discussed earlier in this report, suggest that the retail is

adequate to serve the needs of the local population.

G. CONFORMANCE WITH THE PURPOSES OF THE ZONES:

Purposes of the L-A-C Zone

(a) The purposes of the L-A-C Zone are to:

- (1) Establish (in the public interest) a plan implementation Zone, in which (among other things):**
 - (A) Permissible residential density and building intensity are dependent on providing public benefit features and related density/intensity increment factors; and**
 - (B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plan;**

Comment: The applicant believes that the residential density and the building intensity proposed for the L-A-C Zone is reasonable. We note that these applications are located in an area designated as a “possible future center” by the 2002 General Plan. General Plan policies advocate a higher density and intensity mix of residential, commercial and public facility uses in designated centers, not traditional office or industrial park development as currently planned. As such, the land use types proposed by these applications may be consistent with the General Plan designation as a possible future center, but the quantities and design layout are **not consistent with General Plan policies** for mixed-use, transit- and pedestrian-oriented development. Instead, this proposal separates land uses by type in a typical suburban, automobile-dependant orientation.

Staff believes that both of these applications should be for the L-A-C Zone in order to maximize the applicant’s ability to achieve higher residential densities and quantity of commercial employment development. Staff also recommends some or all of the proposed commercial construction be built prior to or concurrent with approval of residential building permits.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plan, and public urban renewal plan for Community, Village and Neighborhood Centers) can serve as the criteria for judging individual physical development proposals;**

Comment: The vision of the General Plan would be better served if more commercial employment development and higher residential densities were proposed. If these applications are approved for the L-A-C Zone the property could incorporate higher residential densities and include more commercial or office square footage. It may also be appropriate to propose a flexible staging plan that would allow the property to develop as the market evolves.

- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety and welfare of the present and**

future inhabitants of the Regional District;

Comment: The proposed uses are generally compatible with the existing commercial and residential uses (as well as with the proposed land uses) within the Brandywine center along the US 301 Corridor.

(4) Encourage and stimulate balanced land development;

Comment: The issue of balanced development is one of the key challenges presented by this application. The process of developing a new master plan is about to begin. The issues regarding the appropriate densities and scale of the commercial/employment center could be evaluated comprehensively during the master plan process; however, the multistage development process that would take place if the site was placed in the L-A-C Zone should allow for this without subjecting the applicant to a multiyear delay.

(5) Group uses serving public, quasi-public, and commercial needs together for the convenience of the populations they serve; and

Comment: The plan proposes to develop a village center with commercial/office and retail uses which will serve the commercial needs of existing and future residents.

(6) Encourage dwellings integrated with activity centers in a manner which retains the amenities of the residential environment and provides the convenience of proximity to an activity center.

Comment: The basic plan includes housing within the village center. However, as proposed, there is little or no integration of residential uses with commercial. At the time of comprehensive design plan, greater attempts at integration should be undertaken.

Purposes of the R-M Zone:

(a) The purposes of the R-M Zone are to:

(1) Establish (in the public interest) a plan implementation zone, in which (among other things):

(A) Permissible residential density is dependent upon providing public benefit features and related density increment factors; and

(B) The location of the zone must be in accordance with the adopted and approved General Plan, Master Plan, or public urban renewal plans;

Comment: The residential density and building intensity proposed for the R-M Zone is not consistent with the densities envisioned in the General Plan. While the property is located within the Developing Tier, the General Plan envisions moderate to high densities. The applicant is basically proposing a suburban single-family community. Expansion of the R-M Zone on this site would not be appropriate.

- (2) Establish regulations through which adopted and approved public plans and policies (such as the General Plan, Master Plan, and public urban renewal plans) can serve as the criteria for judging individual physical development proposals;**

Comment: As stated above, the plan as submitted does not provide the densities in accordance with the General Plan and master plan for Subregion V.

- (3) Assure the compatibility of proposed land uses with existing and proposed surrounding land uses, and existing and proposed public facilities and services, so as to promote the health, safety, and welfare of the present and future inhabitants of the Regional District;**

Comment: The proposed residential uses are generally compatible with existing uses. Public facilities such as libraries, schools, police and fire protection are addressed at greater detail during subsequent stages of the review process, such as preliminary plan of subdivision.

- (4) Encourage amenities and public facilities to be provided in conjunction with residential development;**

Comment: The applicant plans to provide recreational uses in conjunction with the residential component. Amenities such as parks, recreational facilities and open space are addressed in greater detail during comprehensive design plan and specific design plan stages, as well as during the subdivision process.

- (5) Encourage and stimulate balanced land development; and**

Comment: Staff is concerned that the densities and mix of uses do not go far enough to address the vision of the General Plan. The proposed development does not appear to promote the mixture of moderate to high densities and emphasis on transit-oriented design envisioned by the plan. However, if the applicant were to apply the L-A-C Zone over the entire property, this mix could be established.

- (6) Improve the overall quality and variety of residential environments in the Regional District.**

Comment: While this plan may improve the overall quality of residential environments, it is not consistent with the General Plan with respect to density, mix of uses or intensity of development.

CONCLUSION:

The requested R-M and L-A-C Zones do not conform to the land use recommendations of the 1993 master plan for employment land use on the subject property, but have been found by the Planning Board to conform with the policies of the 2002 General Plan for centers in the Developing Tier, in which one of the subject properties is located. However, these applications do not really propose mixed-land use as envisioned by the General Plan for centers. Instead, the

applications propose commercial, automobile-oriented land uses in the L-A-C Zone and residential uses in the R-M Zone in a fairly typical suburban pattern. The R-M Zone application is located near a central focal point of the Chaddsford development at the intersection of the major north-south collector road for this area (MC- 502, General Lafayette Boulevard) and the main entry to the community from MD 5/US 301 (Chadds Ford Way). This property should not be limited to relatively low-density residential land uses. Approval of these applications as proposed will reinforce the separation of commercial and residential land uses simply by the existence of the zoning boundary.

In order to provide flexibility to design a more integrated mix of residential and commercial, including office employment, uses as advocated by General Plan policies, the applicant should amend Application A-9996 to also request the L-A-C Zone that not only allows, but also encourages, a mix of residential and commercial land uses at densities similar to those currently proposed.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and recommends to the District Council for Prince George's County, Maryland that the above-noted application be APPROVED , subject to the following conditions:

Land Use Types and Quantities:

189,000 square feet of office space
14,657 square feet of retail commercial
Open space
Homeowner Recreation Facilities
Trails

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acres
NET TRACT AREA	13.14 acres

Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 sq ft.
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 sq ft.

1. All commercial structures should be fully equipped with an automatic fire suppression system in accordance with National Fire Protection Association (NFPA) Standard 13.
2. To the extent practicable, the basic plan shall be amended to show additional opportunities for integration and connectivity between the proposed commercial development and the adjoining residential development.
3. At the time of comprehensive design plan, the applicant shall:
 - a. Submit design standards that establish design and review parameters, including setbacks,

lot coverage, and other bulk standard for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.

- b. Provide an analysis of maximum density allowed per FAR and the proposed FAR for the L-A-C Zone.
 - c. Provide pedestrian connectivity to the proposed L-A-C Zone residential area.
 - d. Provide a valid stormwater management concept approval letter and plan.
4. At the time of comprehensive design plan, the transportation planning staff shall make master plan transportation facility recommendations consistent with the Subregion V master plan.
5. At the time of comprehensive design plan and preliminary plan of subdivision, the transportation planning staff shall review a traffic impact study as a means of making findings of the adequacy of transportation facilities. The traffic study shall, at a minimum, include the following as critical intersections:
 - a. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
 - b. US 301/MD 5 and Chadds Ford Drive (signalized)
 - c. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
 - d. Chadds Ford Drive and General Lafayette Boulevard (unsignalized)
6. Following the connection of C-502 to A-55 (and a planned partial interchange at US 301/MD 5 and A-55) on the north and to McKendree Road on the south, the applicant, the applicant's heirs, successors and/or assignees shall close the US 301/MD 5/Chadds Ford Drive at-grade intersection to traffic. Such closure shall include removal of the signal as directed by SHA following closure of the intersection. All closures, modifications, and removals shall be at the sole expense of the applicant, the applicant's heirs, successors and/or assignees.
7. Vehicular access from the eastern portion of the site to the property to the north is supported and shall be demonstrated at the time of specific design plan.

Considerations:

1. The applicant, the applicant's heirs, successors and/or assignees, shall designate all master plan trails, plus feeder connections to all development pods on the comprehensive design plan.
2. If approved, at the time of CDP the plan should be modified to move access along Chadds Ford Drive westward to be consistent with the access shown on SDP-0519 for Brandywine Village. If placement of the access at that location is not possible due to environmental features by determination of the Environmental Planning Section, access to the eastern portion of the site should be achieved from C-502 (General Lafayette Boulevard) at a location determined to be of least environmental impact.

* * * * *

This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Clark, with Commissioners Squire, Clark, Vaughns, Cavitt and Parker voting in favor of the motion at its regular meeting held on Thursday, May 8, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 29th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:TL:bjs