

R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Comprehensive Design Plans pursuant to Part 8, Division 4 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on February 2, 2006, regarding Comprehensive Design Plan CDP-0503 for Renard Lakes the Planning Board finds:

1. **Request:** The comprehensive design plan as proposed by the applicant includes a maximum of 408 dwelling units (328 single-family detached and 80 single-family attached) on approximately 167.84 acres. The housing will be organized into four development pods and located on buildable areas of the site separated by natural environmental features on the site (including the lakes, steam valleys and steep slopes) while connected by a comprehensive vehicular and pedestrian network. A community amenity complex consisting of a clubhouse, swimming pool and tennis courts will be located centrally in the community at the terminus of the main entrance road, overlooking the lakes. The development is accessed only from the south via an entrance onto Dyson Road. There is no direct vehicular access to the project site from the north, east or west due to environmental constraints.
2. **Location:** The subject property, consisting of 164.84 acres, is located on the west side of US 301 (Crain Highway), north of its intersection with Dyson Road. Access to the property is proposed along Dyson Road. The property has approximately 1,200 feet of frontage along Dyson Road.
3. **Surroundings:**

The property is surrounded by the following uses:

North—PEPCO transmission line right-of-way and R-O-S (Reserved Open Space) zoned land owned by the Maryland Veterans Commission.

East—Developed and vacant properties in the I-1 (Light Industrial) Zone and US 301, Robert Crain Highway, beyond the industrial properties.

South—Dyson Road and commercial uses in the C-M (Commercial-Miscellaneous) Zone along the south side of Dyson Road.

West—Piscataway Creek Stream Valley Park owned by MNCPPC, zoned R-O-S and R-R (Rural Residential). The county recycling drop-off facility is located on the 3.7± acre, southernmost R-R parcel (P.22) across from Missouri Avenue. The M-NCPPC Police Fire Arms Range is located on the north central portion of the 182.1± acre R-O-S Parcel (P.98).

The Subregion V master plan places the property in the Gwynn Park neighborhood of the North Village of the Brandywine community. Piscataway Creek and the PEPCO transmission line right-of-way to the north, US 301 to the east, and MD 5 to the west define the triangular shaped neighborhood.

4. **Previous Approvals**—On November 3, 2005, the Planning Board reviewed the amended Basic Plan application A-9970 and recommended that the plan be approved with conditions (PGCPB No. 05-229). On December 28, 2005, the basic plan was approved by the Zoning Hearing Examiner and was filed with the District Council. The District Council, for a final decision, must review this zoning case. The date of that hearing has not yet been determined.

According to the Planning Board resolution, the request to rezone 167.84 acres of I-1 (Light Industrial) zoned property to the R-S (Residential Suburban) Zone at a dwelling unit density range of 1.6-2.6 dwellings per acre is **proposed** with the following land use types and quantities:

Total area (gross)	
167.84 acres	
Land in the 100-year floodplain	
21.65 acres	
Net acreage (gross AC-1/2 floodplain)	
157.02 acres	
R-S base density	1.6 DU/AC
R-S maximum density	2.6 DU/AC
Proposed basic plan density:	
251–405 units	
Proposed land use types and quantities:	
Single-family detached units	
328 units	
Single-family attached units	
80 units	
	408 total units

Findings Required by Section 27-521 of the Zoning Ordinance (Findings 5-13 below):

Findings 5-13 below are required by Section 27-521 before the Planning Board may approve a comprehensive design plan.

5. The comprehensive design plan for the subject site must be found to be in conformance with the conditions of Zoning Application A-9970. The Planning Board reviewed the plan and made a recommendation to the Zoning Hearing Examiner that the following conditions be adopted as part of the approval of the rezoning case:

1. **The Basic Plan shall be revised to show the following revisions:**

Land Use Types and Quantities:

- **Total area: 167.84 acres**
- **Land in the 100-year floodplain: 21.65 acres**
- **Net Area (gross less half the floodplain): 157.02 ± acres**
- **Density Permitted under the R-S Zone: 1.6–2.6 du/ac**
- **Permitted Dwelling Unit Rang: 251 to 408 dwellings**

Proposed Land Use Types and Quantities:

- **Single-family detached and attached units**
- **Public Active Open Space**
- **Passive Open Space**
- **Recreational Facilities**

Comment: The plan demonstrates conformance to the land use type and quantities as stated in the basic plan.

2. **Applicant shall submit a preliminary plan of subdivision for the proposed development.**

Comment: This is a requirement of law and Preliminary Plan 4-05048 is currently under review by the staff.

3. **A bufferyard shall be provided along the western property line. The bufferyard shall include a wall of which the height, material and design shall be determined during the Comprehensive Design Plan phase of the review. The width of the bufferyard shall also be determined during Comprehensive Design Plan phase of review.**

Comment: A bufferyard and wall along the western property line has not been provided on the comprehensive design plan. In addition, no specifications or drawings of the proposed wall have been submitted. Therefore, the plan does not conform to the Basic Plan. A proposed condition of approval below will remedy this deficiency.

4. **An approved Natural Resources Inventory shall be required as part of any application for a Comprehensive Design Plan.**

Comment: A Natural Resources Inventory (NRI), NRI/030/05, with a signature of approval, was submitted with this application.

5. **As part of any application for a Natural Resources Inventory, a soils study shall be submitted. The study shall clearly define the limits of past excavation and indicate**

all areas where fill has been placed. All fill areas shall include borings, test pits, and logs of the materials found. Borings and test pits in fill areas shall be deep enough to reach undisturbed ground.

Comment: The Natural Resources Inventory was signed on July 18, 2005. A soils study, dated August 31, 2005, was subsequently submitted. The report includes a map showing the locations of 30 test pits, includes logs for each site and has laboratory analyses of representative samples. In addition, the report contains recommendations for the future development of the site based upon the soils described in the report. Soils are discussed in detail in the Environmental Review section below.

- 6. A Phase I noise study shall be required as part of any application for a comprehensive design plan. The comprehensive design plan and TCPI shall show all unmitigated 65 dBA Ldn noise contours associated with traffic-generated noise.**

Comment: Both Phase I and Phase II noise studies were submitted. The mitigated 65 dBA Ldn noise contours associated with traffic-generated noise is shown on the TCPI. Traffic-generated noise is discussed in detail in the Environmental Review section below.

- 7. At the time of Comprehensive Design Plan, the applicant will be responsible for providing alternative intersection improvement designs at the two intersections of Dyson Road at the southbound and northbound lanes of U.S. 301.**

Comment: Staff has not received any comments from the State Highway Administration or from the applicant's traffic consultant that alternative intersections designs at the two intersections of Dyson Road at the southbound and northbound lanes of US 301 have been provided. This is an off-site improvement. The applicant's traffic consultant has not completed this item. Therefore, the plan does not conform to the Basic Plan. A proposed condition below will remedy this deficiency.

- 8. Unless modified at the time of Comprehensive Design Plan or Preliminary Plan, at the time of building permit the applicant shall be required to provide improvements at the intersection of U.S. 301 and MD 381 (Brandywine Road). These improvements include:**

- **Widening the eastbound MD 381 (Brandywine Road) approach from the existing one left turn lane and one through/right lane to one left turn lane, one through lane, and one right turn lane.**
- **Modifying the westbound MD 381 approach from the existing one left turn lane, one through lane, and one right turn lane to one left turn lane, one through lane, and one through/right turn lane.**
- **Widening the westbound MD 381 (Brandywine Road) approach to provide**

an additional receiving lane. This will accommodate the second westbound MD 381 through lane.

- **The applicant will be responsible for any additional signage, pavement markings, and traffic signal modifications at the intersection of MD 381 and U.S. 301.**

Comment: This condition will be reiterated in the approval of this plan.

- 9. At the time of building permit the applicant shall be required to provide geometric improvements at the intersections of U.S. 301 Southbound/Dyson Road and U.S. 301 Northbound/Dyson Road. These additional or alternative geometric improvements will be identified by the applicant and agreed to by the State Highway Administration. At the time of Specific Design Plan the applicant will be required to conduct traffic signal warrant studies at these two intersections and will be responsible for the construction of traffic signals at both locations if required by the State Highway Administration. The applicant will be responsible for any additional signage and pavement markings, and the lengthening of turn lanes on U.S. 301 and Dyson Road as required by SHA and/or DPW&T.**

Comment: This condition will be reiterated in the approval of this plan.

- 10. At the time of submission of the final plat the applicant will be responsible for the dedication of 40 feet from the master plan centerline of Dyson Road.**

Comment: The Comprehensive Design Plan takes into account the 40-feet from centerline. This condition will be reiterated in the approval of this plan.

- 11. At the time of building permit the applicant will be required to provide for an acceleration lane, deceleration lane, and a left turn lane at the site's proposed access point along Dyson Road if this location is approved by DPW&T or at a nearby access point on Dyson Road approved by DPW&T.**

Comment: This issue will be addressed at the time of building permit and does not relate to the review of the CDP. However, the condition will be carried over on this plan.

- 12. At the time of Comprehensive Design Plan review, the plan shall reflect the location of the service road recommended by SHA to serve and provide future access to properties along U.S. 301. This roadway will connect to the realigned Dyson Road to the west of U.S. 301. Needed dedication of public right-of-way will be determined at the time of preliminary plan of subdivision.**

Comment: The applicant has provided an aerial photograph that depicts a service road along US 301 that will provide future access to properties along US 301 and adjacent to

the proposed residential development. SHA has agreed to this service road that will use the existing southbound lanes of US 301 once the roadway is relocated to the east. This is an off-site improvement. Therefore this condition has been met.

13. **Applicant shall make disclosures to the purchasers of the proposed community regarding the location of the existing gun range and recycling center at the time of contract. Copies of the disclosure shall be retained by purchaser(s) and seller as part of the contract.**

Comment: This condition will be reiterated in the approval of this plan.

Considerations:

1. **The Comprehensive Design Plan shall avoid impacts to sensitive environmental features. If avoidance is not possible, the impacts shall be the minimum necessary to support the development concept as a whole and shall be located where previous impacts have occurred, to the fullest extent possible. To avoid permanent impacts to the stream system for a road crossing, an entrance serving the isolated eastern portion of the site shall be fully investigated and utilized if possible.**

Comment: The Transportation Planning staff suggests the following:

1. The Transportation Planning staff has not seen SHA comments on this plan, but staff does not believe that SHA would allow a new full-movement access from the site directly onto US 301 even on a temporary basis. Therefore, the access to the 84 townhouse units will need to be via the stream crossing. Consideration of an emergency access onto US 301 would require consideration and recommendations from the public safety agencies and concurrence from SHA.
2. The Transportation Planning staff conducted an informal traffic study of the internal traffic loading on the streets shown on the plan assuming the one access point on Dyson Road. The roadway widths appear to meet the criteria in the DPW&T Neighborhood Traffic Management Program except for the main access roadway. From the point where the average daily traffic volume would exceed 3,000, the roadway section needs to be 52 feet in width rather than 36 feet as shown on the plan, with a transition length of 188–375 feet between the sections. The point, at which the project volume would exceed 3000, appears to be at the south intersection of Loop C and Public Street C. Public Street C would need to be 52 feet in width from this point south to Dyson Road, with a transition of 188–375 feet extending north from this point where the 36 foot roadway would begin.
2. **At the time of Comprehensive Design Plan, the applicant shall consider a second egress/access point to the proposed site, along the existing road to Piscataway Creek Stream Valley Park on the western edge of the property. This roadway should have**

a right-of-way width of 60 feet.

Comment: The Transportation Planning staff initially considered the possibility of a second egress/access point to the subject property from the western boundary, but the existing egress/access is not a public road and is accessed by a private driveway on M-NCPPC property. It is anticipated that the Department of Parks and Recreation would not be in favor of converting this private drive leading to the firing range into a public right-of-way.

6. The proposed comprehensive design plan would result in a development with a better environment than could be achieved under other regulations because the project will provide for on-site recreational facilities in addition to what would be required through the mandatory dedication requirements. These recreational facilities are substantial and will be valuable features of the development that are not likely to have materialized under conventional regulations.
7. Approval is warranted by the way in which the comprehensive design plan includes design elements, facilities and amenities. Among the distinctive design elements of the plan is the integration of a substantial central recreational area to be owned and operated by the future homeowners association. This facility, as well as the extensive trail system, will satisfy the needs of the residents, employees or guests of the project.
8. Land uses and facilities covered by the comprehensive design plan will be compatible with each other in relation to:

- a. Amounts of building coverage and open space.

The proposed building coverage on each lot ranges from 40 to 60 percent for the three categories of single-family detached lots. This will ensure adequate open space in the lotted areas comparable to that provided in other contemporary residential developments. Significant open space will be provided elsewhere on the site for use by the homeowners.

- b. Building setbacks from streets and abutting land uses.

The CDP proposes residential standards for setbacks from streets including a minimum of 15 feet for attached units and only 20-foot setbacks are proposed for single-family detached units. This is an inadequate setback in the areas of the plan that should be sensitively designed to mimic surrounding development in the R-E Zone and for the large lot component section of the project. In the R-E Zone the minimum required setback is 25 feet. Staff recommends that a condition be adopted that on lots greater than 10,000 square feet, the setback should be a minimum of 25 feet.

- c. Circulation access points.

The proposed plan will have adequate circulation access points to the surrounding road

network. One vehicular access point to the site is proposed—one entrance from Dyson Road.

9. Each staged unit of the development (as well as the total development) can exist as a unit capable of sustaining an environment of continuing quality and stability. As each of the residential development pods is constructed, the necessary infrastructure to support it will be built. The recreational facilities will be constructed in phases for which the staff recommends a construction phasing plan, as stated in Condition 19.
10. The staging of the development will not be an unreasonable burden on available public facilities as required by Section 27-521 of the Zoning Ordinance if the application is approved subject to the proposed conditions in the recommendation section of this staff report. The subject application was referred to the Public Facilities Planning Section, and in a memorandum (Harrell to Estes) dated January 6, 2006, the following information was provided in support of this conclusion:

Fire and Rescue

The Prince George's County Planning Department has determined that this plan is within the required 7-minute response time for the first due fire station Brandywine, Company 40, using the 7 Minute Travel Times and Fire Station Locations map provided by the Prince George's County Fire/EMS Department.

The Fire Chief has reported that the current staff complement of the Fire/EMS Department is 100 percent, which is within the standards stated in CB-56-2005 and he has reported by letter, dated 12/1/2005 that the department has adequate equipment to meet the standards stated in CB-56-2005.

The required fire and rescue facilities have been determined to be adequate and the population of the development will not place an unreasonable burden upon development or public facilities.

Police Facilities

The Prince George's County Planning Department has determined that this plan is located in District V. A determination of police district is made at this stage. All tests for adequacy of police services are conducted during the preliminary plan for subdivision because the test is time and date sensitive.

Public Schools

County Council bill CB-31-2003 establishes a school facilities surcharge in the amounts of: \$7,161 per dwelling if a building is located between I- 495 and the District of Columbia; \$7,161 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; or \$12,276 per dwelling for all other buildings.

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.

An adequate public facility schools test will be conducted at the time of subdivision application.

TRANSPORTATION

The subject application was referred to the Transportation Planning Section and in a memorandum (Masog to Estes) dated January 11, 2006, the following information was provided in support of this conclusion:

The applicant prepared an initial traffic impact study dated March 11, 2005. A revised traffic study, dated August 29, 2005, was submitted along with additional traffic counts. The findings and recommendations outlined below are based upon a review of relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

Traffic Analysis

The applicant proposes, and the submitted traffic study analyzed the impacts of 345 single-family dwelling units and 84 townhouse units. Only one access point to the site is proposed on the north side of Dyson Road. The traffic study includes the signalized intersections of US 301/Frank Tippet Road and US 301/MD 381/Brandywine Road and the unsignalized intersections of US 301/Dyson Road. There are two Dyson Road intersections at US 301, where the northbound and southbound lanes of US 301 are divided by a wide median strip. These intersections were analyzed separately.

With the development of the subject property, the traffic consultant concluded that two unsignalized intersections within the study area would have side street vehicle delays exceeding 50.0 seconds, an unacceptable operating condition. These include the intersections of southbound US 301 and Dyson Road and northbound US 301 and Dyson Road. The signalized intersection of US 301 and MD 381 (Brandywine Road) would also exceed the threshold for signalized intersections as defined in the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*.

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