

PGCPB No. 10-111(A)

File No. CDP-0901

A M E N D E D 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, by letter dated February 11, 2015, the Planning Director of the Maryland-National Capital Park and Planning Commission requested a reconsideration of Conditions 14-21 and findings related to off-site recreational facilities at the Brandywine Area Community Park; and

*WHEREAS, on March 19, 2015, the Planning Board approved the request for reconsideration based on other good cause in furtherance of substantial public interest; and

*WHEREAS, on March 19, 2015, the Planning Board heard testimony regarding the reconsideration.

WHEREAS, in consideration of evidence presented at a public hearing on October 7, 2010, regarding Comprehensive Design Plan CDP-0901 for The Villages at Timothy Branch the Planning Board finds:

1. **Request:** This comprehensive design plan application is for the 72.26-acre, L-A-C-zoned portion of The Villages at Timothy Branch, which proposes a mixed-use development comprised of 100,000 square feet of retail commercial uses, 205,000 square feet of commercial office uses, 20 single-family semidetached, 11 single-family attached, 40 two-family attached, and 60 multifamily residential units. A variance from the maximum multifamily dwelling unit percentage requirements as stated in the Zoning Ordinance in Section 27-515(b)(7), Footnote 29, which allows a maximum of 30 percent of multifamily dwelling units in the L-A-C Zone, is also requested.

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2. **Development Data Summary**

Zone(s) Use(s)	EXISTING	APPROVED
	L-A-C Vacant	L-A-C Residential, Retail, Office
Acreage	72.26	72.26
Dwelling units/structures	0	131
Square Footage/GFA of commercial office	0	205,000
Square Footage/GFA of retail commercial	0	100,000

OTHER DEVELOPMENT DATA- Dwelling Units by Housing Types

Dwelling Types	Approximate % of Total Units	Number of Units
L-A-C Zone		
Single-family semidetached dwellings	15.3	20
Single-family attached dwellings	8.4	11
Two-family attached dwellings	30.5	40
Multifamily condominium dwellings	45.8	60
Subtotal	100	131

3. **Location:** The subject property is a tract of land consisting of wooded, undeveloped land and open farm land, located on the eastern side of US 301 (Robert Crain Highway), southeast of its intersections with MD 5 (Branch Avenue) and MD 381 (Brandywine Road), in Planning Area 85A, Council District 9.
4. **Surrounding Uses:** The larger Timothy Branch application, combined with the R-M- zoned (Residential Medium Development) CDP-0902, consisting of 334.26 acres is bounded to the north by MD 381 (Brandywine Road), to the northwest by Short Cut Road, to the east by the Timothy Branch stream valley, to the south by vacant and light industrial uses in the I-1 (Light Industrial) and I-3 (Planned Industrial/Employment Park) Zones, and to the west by US 301 (Robert Crain Highway), a single commercial parcel zoned C-M (Miscellaneous Commercial), and multiple I-1-zoned industrial parcels along the US 301 frontage. Additionally, there is an internal parcel (Parcel E), located in the central northern portion of the property which is zoned I-3 and E-I-A (Employment and Institutional Area) and is developed as an existing warehouse.

Specifically, the L-A-C-zoned portion of the property, CDP-0901, is in the northeastern corner of the property bounded to the north by Brandywine Road, to the northwest and south by the R-M-zoned CDP-0902, to the east by the Timothy Branch stream valley, and to the southwest by the existing warehouse on Parcel E.

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5. **Previous Approvals:** Zoning Map Amendment A-9988 was approved by the District Council on July 11, 2008, rezoning the property from the I-3 and E-I-A Zones to the L-A-C Zone.
6. **Design Features:** The comprehensive design plan proposes a layout and road network that are in general conformance with the basic plan, Zoning Map Amendment A-9988. The 72.26 acres covered by this comprehensive design plan is divided into four use areas. In the southeast corner of the intersection of Brandywine Road and Mattawoman Drive is a retail and office use pod and directly south of this is the only residential use pod; which is bordered to the south by an existing stormwater management pond. The residential pod indicates a mix of two-family attached (two-over-two), single-family semidetached (duplex), multifamily (active adult) and single-family attached (townhouse) units, with recreational facilities located in the central northern portion. In the southwest corner of the intersection of Brandywine Road and Mattawoman Drive is a pod labeled retail, office, and employment uses, and directly to the south of this is a pod labeled office and employment uses adjacent to the existing off-site warehouse to the south. Per the applicant, the employment uses provided within these pods will consist of office, service commercial, and light industrial uses proposed in flex office space buildings. Access to the pods is provided at two proposed intersections off of Mattawoman Drive and one potential access off of Brandywine Road into the retail and office use pod east of Mattawoman Drive. The plan also indicates two possible bus transport stop locations along Mattawoman Drive, south of Brandywine Road. Multiple potential locations of monument/freestanding signs have been labeled along Mattawoman Drive and private internal drives.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendment A-9988:** Zoning Map Amendment A-9988-C was approved by the District Council of Prince George's County on July 11, 2008. The relevant conditions of that approval are listed in bold face type below and are followed by comments.

Land Use Types and Quantities:

Total area:	72± acres
Land in the 100-year floodplain:	8 acres
Adjusted Gross Area:	64 acres
Density permitted under the L-A-C Zone:	10-15 du/ac
Permitted dwelling unit range:	640 to 960 units
Floor area ratio:	0.2-0.4 FAR
Proposed Commercial/Employment:	220,000 to 270,000 square feet

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Proposed Land Use Types:

One-family attached, townhouse, and multi-family (active adult community) and recreational facilities.

Residential uses, retail/commercial, office, warehousing and distribution, and light manufacturing and industrial flex space.

The CDP proposes 131 residential units and a combined 305,000 square feet of commercial office and retail uses. Using the theoretical residential and commercial land areas developed with the formulas in Section 27-485(c) of the Zoning Ordinance, the CDP proposes a residential density of 4.3 dwelling units per acre and a commercial intensity of 0.17 floor area ratio (FAR). This proposed density and intensity falls well below the approved amounts.

Regarding the discrepancy in the approved and proposed commercial square footage, an inter-office memorandum dated June 18, 2009 from Steven Gilbert, Principal Counsel, District Council stated the following:

"The text of the Council's approval ordinance does not indicate, however, that among the uses approved on the property are 85,000 to 100,000 square feet of retail [commercial] space as requested by the applicant. For the reasons that follow, I would advise, for purposes of your certification and future review of the approved rezoning and basic plan, that staff and Planning Board and Zoning Hearing Examiner should treat the property as having the quoted use as one approved by the Council in Zoning Ordinance No. 17-2008, as is shown on the maps that are part of the basic plan for the L-A-C and R-M zones on the property."

Given this analysis, the comprehensive design plan appears to be consistent with the approved basic plan in terms of area of proposed commercial development.

Additionally, the Order of Approval clearly noted that the proposed multifamily component was to be an active adult community. Therefore, a condition has been added to this approval indicating that the multifamily buildings shall be developed for active adults.

- 1. 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.**

In a memorandum dated August 26, 2010, the Transportation Planning staff stated multiple master plan transportation facility recommendations consistent with the Subregion 5 master plan, which have been included as Conditions 41 through 43 in this approval.

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2. 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. MD 5 and Brandywine Road (signalized)
- b. US 301 and MD 381/Brandywine Road (signalized)
- c. MD 381 and Mattawoman Drive (unsignalized)
- d. US 301 and Mattawoman Drive (proposed)
- e. US 301/MD 5 and proposed A-55 (future)
- f. US 301/MD 5 and Matapeake Business Drive/Clymer Drive (signalized)
- g. US 301/MD 5 and Cedarville Road/McKendree Road (signalized)
- h. Future Mattawoman Drive and proposed A-55 (future)

In a memorandum dated August 26, 2010, the Transportation Planning staff indicated that a traffic study, dated July 2009, was submitted by the applicant and referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). A summary of the traffic impacts and the effects on critical intersections is as follows.

CDP-0901, L-A-C, Villages at Timothy Branch	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Residential								
One-Family Semidetached	26	units	4	15	19	14	7	21
Townhouse	11	units	2	6	8	6	3	9
Two-Family Attached	40	units	6	22	28	21	11	32
Multifamily	60	units	6	25	31	23	13	36
Commercial								
Retail (total trips)	100,000	Sq feet	95	61	156	600	600	1200
Less 60 percent pass-by and internal			-57	-36	-93	-360	-360	-720
Retail (net trips)			38	25	63	240	240	480
General Office	125,000	Sq feet	225	25	250	44	187	231
Flex Office	80,000	Sq feet	55	14	69	14	55	69
Total			336	132	468	362	516	878

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Entire Villages at Timothy Branch	Use Quantity	Use Type	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
CDP-0901			336	132	468	362	516	878
CDP-0902			141	569	710	533	286	819
Total			477	701	1178	895	802	1697

The following critical intersections, interchanges, and links identified above, when analyzed with existing traffic counts taken in May 2009 and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS					
Intersection		Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive		Future	Future	--	--
MD 5 and Brandywine Road		1,769	1,810	F	F
US 301 and MD 381		1,160	1,078	C	B
MD 381 and Mattawoman Drive		493	412	A	A
US 301/MD 5 and Chadds Ford Drive		1,185	1,431	C	D
US 301/MD 5 and Matapeake Business Drive		1,114	1,416	B	D
US 301/MD 5 and Cedarville/McKendree Road		1,289	1,866	C	F

With one exception, none of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. There are programmed improvements being conducted by SHA at the intersection of MD 5 and Brandywine Road. Background traffic has been developed for the study area using an extensive listing of approved developments in the area and a 2.0 percent annual growth rate in through traffic along US 301 and MD 5. The critical intersections, when analyzed with background traffic and existing (or future) lane configurations, operate as follows:

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BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,193	1,743	C	F
MD 5 and Brandywine Road	1,804	1,815	F	F
US 301 and MD 381	2,002	1,601	F	F
MD 381 and Mattawoman Drive	621	602	A	A
US 301/MD 5 and Chadds Ford Drive	1,650	2,111	F	F
US 301/MD 5 and Matapeake Business Drive	1,497	2,198	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,737	2,398	F	F

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	1,271	1,851	C	F
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	2,528	2,340	F	F
MD 381 and Mattawoman Drive	1,284	1,361	C	D
US 301/MD 5 and Chadds Ford Drive	1,693	2,199	F	F
US 301/MD 5 and Matapeake Business Drive	1,534	2,278	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

It is found that all but one of the critical intersections operate unacceptably under total traffic in either one or both peak hours. In response to the inadequacies, the applicant proposes several roadway improvements in the area:

- a. A third northbound through lane is proposed along US 301 through the MD 381 and the Mattawoman Drive intersections. Left turns are proposed to be eliminated at the US 301/MD 381 intersection coincident with the extension of Mattawoman Drive through the Brandywine Business Park property (which is to be completed by other private parties at some time in the future).
- b. A northbound left-turn lane is proposed along US 301 at Mattawoman Drive.

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- c. The MD 381/Mattawoman Drive intersection is proposed to be signalized (this has been taken into account through the entire analysis), and a westbound left-turn lane along MD 381 at Mattawoman Drive is proposed.
- d. As a means of mitigating the impact of excessive through traffic along US 301/MD 5 south of the split, the applicant proposes to extend Mattawoman Drive south of the subject property to connect to Matapeake Business Drive. This will provide some relief by rerouting traffic from the subject site off of portions of US 301/MD 5.
- e. The subject site is required to contribute to the Brandywine Road Club. The level of this contribution will be determined during review of the preliminary plan of subdivision. For the record, it is noted that the Brandywine Road Club has posed several issues for the Planning Board in the past, and these issues are briefly summarized below:
 - (1) The use of the Brandywine Road Club in approving a development poses an issue of concurrency. In other words, Section 24-124 of the Subdivision Ordinance (the section that governs findings of adequate transportation facilities) is intended to ensure that needed transportation facilities occur concurrently with development or within a reasonable time thereafter. However, transportation inadequacies in the area have been documented since 1989. Beginning in 2000, many properties have been approved with a condition to pay funds toward a Brandywine Road Club. But since those initial approvals, no improvements have been constructed. Furthermore, there is nothing in either the current county Capital Improvement Program or the state's Consolidated Transportation Program that suggests that needed improvements are funded for construction.
 - (2) Council Resolution CR-60-1993 approved the master plan and the sectional map amendment for the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. As a part of that resolution, zoning map amendment A-9878 for Brandywine Village was approved with conditions that allow this and many other properties to participate in the Brandywine Road Club as a means of determining transportation adequacy. The same condition allows such road club participation by "any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek." This has been carefully considered, and it has been determined that the subject property is along the identified section of US 301/MD 5. Therefore, the use of the Brandywine Road Club for this site would appear to be consistent with the intent of the council resolution.

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- (3) The site included under the current plan was subdivided under application 4-92048 (which itself was a consolidation of four previous preliminary plans) conditional upon contribution to the Brandywine Road Club. The road club has always involved the construction of interchanges north and south of the study area, along with north-south roadways connecting properties to those intersections that would eliminate existing signals and provide adequacy. The road club was implemented in recognition that the scope and cost of these improvements would far exceed the ability of an individual applicant to fund them.

For the reasons described above, and given that development under the existing cap can proceed with the payment of fees under the Brandywine Road Club, the use of the Brandywine Road Club as a means, in part, of finding adequacy for this site would be acceptable. It is determined that adequate transportation facilities can only be found if the improvements at the intersections within the study area as proffered and described above are constructed and there is participation in the Brandywine Road Club.

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed using the guidelines, including the site trip generation as described above and the distribution as described in the traffic study, and with the proffered improvements as described in the July 2009 traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (CLV, AM & PM)		Level of Service (LOS, AM & PM)	
US 301 and Mattawoman Drive	916	1,221	A	C
MD 5 and Brandywine Road	2,105	1,815	F	F
US 301 and MD 381	1,741	1,725	F	F
MD 381 and Mattawoman Drive	1,031	1,246	B	C
US 301/MD 5 and Chadds Ford Drive	1,570	2,013	E	F
US 301/MD 5 and Matapeake Business Drive	1,453	2,183	E	F
US 301/MD 5 and Cedarville/McKendree Road	1,797	2,420	F	F

The traffic study was referred to and reviewed by DPW&T and SHA and they raised the following issues that require discussion:

- a. DPW&T indicated that the number of trips diverting onto Mattawoman Drive appears to be overestimated. It is important to remember that many trips in the area are destined for retail uses within and to the south of the subject site. The

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connection of Mattawoman Drive will provide a direct alternative for reaching these areas from north of Brandywine, and that was much of the reason for classifying this roadway as an arterial. It has a function connecting various developments and will be highly used, particularly given the ongoing congestion that occurs on US 301/MD 5. For that reason, the diversion used does not seem to be excessive.

- b. DPW&T also indicated that analyses should have been included for the future intersection of A-55 and A-63. Since that intersection is off-site, and since neither the east nor west legs of A-55 are currently proposed for construction, there is no plan to analyze.
- c. SHA and DWP&T both objected to the elimination of left turn movements at the US 301/MD 381 intersection. That is obviously something that will need to be studied carefully at the time that Mattawoman Drive is connected on both sides of US 301 by Brandywine Business Park.

All intersections specified in the basic plan condition were included in the above analyses except the US 301/MD 5/proposed A-55 and the Mattawoman Drive/proposed A-55 intersections. The two excluded intersections were not included because, based on the final recommendations of the master plan, they were south of the subject site. Specifically, this applicant would not be constructing any part of A-55. As a result, there were no intersections at these locations to study. Given the above analyses, the transportation planner has concluded that the proposed CDP will not be an unreasonable burden on available transportation facilities if the CDP is approved with conditions as included with this approval.

3. **The applicant shall construct the Master Plan hiker-biker-equestrian trail along the subject site's entire segment of Timothy Branch either within M-NCPPC parkland or within HOA land within a public use trail easement. Trail connectors should be provided from the Master Plan trail to adjacent development envelopes.**

The Planning Board found that the trail required by this condition is shown adequately on the CDP. Furthermore, in future approvals, the trail should be proposed to cross as few separate lots as possible, and trail connectors should be six feet wide and paved with asphalt. Conditions requiring this have been included in this approval.

The master planned Timothy Branch Stream Valley Trail, as shown on the CDP, has presented some concerns regarding its location and ownership. As part of the Planning Board's approval of Basic Plan A-9988, the above condition was included specifying the type of trail and a couple options for the location. The specifics of the condition to either place the trail in MNCPPC parkland or within a public use easement on HOA land is problematic as this either puts the burden of maintenance and safety on the Parks Department or other public entity to take ownership

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of the land or to be responsible for an easement on HOA land. The exact designation and location of this trail will be reviewed further at the time of preliminary plan and SDP. However, the CDP must show conformance to the conditions of the basic plan, and it does by showing a master plan trail along the stream valley.

4. **The applicant shall construct the eight-foot-wide Master Plan trail along the subject site's entire frontage of A-55. This trail shall include ADA-accessible curb cuts and ramps at all intersections and shall be separated from the curb by a grass planting strip.**

The *Countywide Master Plan of Transportation* indicates A-55 to be located south of the subject site; therefore, this condition does not apply.

5. **The applicant shall provide standard sidewalks along both sides of Mattawoman Drive, unless modified by DPW&T.**

Mattawoman Drive is a master-planned arterial road. The Planning Board found that the applicant should provide a five-foot-wide, concrete sidewalk along the west side of the road and an eight-foot-wide, concrete sidepath on the east side, in accordance with DPW&T standards. Conditions requiring this have been included in this approval.

6. **The applicant shall provide standard sidewalks along both sides of all internal roads, unless modified by DPW&T. The sidewalk and trail network will be evaluated in detail at the time of Preliminary Plan and Specific Design Plan. Trail connectors may be warranted to the proposed recreation center and park/school site.**

The CDP proposes sidewalks and bikeways along all internal roads to support the residential and mixed-use development that is proposed. The sidewalk details will be evaluated further at the time of specific design plan.

7. **At 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 standards for development, standards for the materials and design of architecture, and standards for design of signage for the entire site.**

The applicant provided design standard charts and notes with the CDP application as required. The Planning Board has approved several conditions relating to setbacks and architectural and signage design that will ensure a high-quality development. See Finding 8(b) for further discussion.

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- b. **Provide a site-wide pedestrian circulation plan, including the possible location of a bus stop(s) and its supporting pedestrian path network, the location of pedestrian crossings, and a connection to the adjacent retail components of the site.**

The applicant submitted a comprehensive site-wide pedestrian circulation plan. Bus transit stop locations have been provided along Mattawoman Drive and appear to be adequate for the proposed use.

- c. **Show that bufferyards for residential pods generally meet the minimum requirements established in the Landscape Manual. However, in order to ensure compatibility, bufferyards shall be reviewed further during the Comprehensive Design Plan process.**

The illustrative plan conceptually shows room for bufferyards between different residential areas and between the commercial and residential pods. However, since the exact lot layout will not be determined until the time of preliminary plan and SDP; the bufferyard location and design will be reviewed further at that time.

Additionally, a condition has been included in this approval that, at the time of specific design plan, an appropriate bufferyard be provided between the commercial and residential use pods unless a public road is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.

- d. **Provide an indoor and outdoor recreational facility package adequate to meet the needs of the future populations.**

The subject CDP proposes 131 residential units, which will be part of the 1,200 units in the overall Villages at Timothy Branch community. Currently, one double tennis court, two gazebo/seating areas, a recreation center (to include a fitness room, community meeting space, and lounge area), and part of the Timothy Branch Stream Valley Trail are listed as the proposed recreational facilities within this CDP.

The Illustrative Plan clearly shows a swimming pool to be provided near the recreation center within the residential pod, although the text and staging plan make no mention of it. An easily accessible pool can be an important resource for an active adult community and therefore, should be required as part of the on-site recreational facilities in this area.

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Additionally, since over half of the residential units will not be specifically for active adults, it is found that the addition of a tot lot near the recreation center would provide a convenient amenity for the younger population within this CDP.

The applicant also proposes *a financial contribution for the construction of major off-site recreational facilities at nearby Brandywine Area Community Park ~~*[including: one softball field, one soccer field, a 65-space parking lot, and access from Missouri Avenue].~~

The Planning Board found that the combination of the proposed package of on-site private recreational facilities and *financial contribution for off-site public recreational facilities will satisfy the indoor and outdoor recreational needs of the residents of the Villages of Timothy Branch community.

8. At the time of Comprehensive Design Plan the applicant shall provide either:
- a. Private recreational facilities on site consistent with the standards outlined in the Parks and Recreation Facilities Guidelines and dedication of onsite a minimum 20 acres of parkland, at a mutually agreeable location, or
 - b. Private recreational facilities and major off-site recreational facilities (ball field(s) and parking) consistent with the Parks and Recreation Facilities Guidelines at nearby Brandywine Area Community Park.

*In satisfaction of this condition, in 2010, the Prince George's County Department of Parks and Recreation (DPR) recommended to the Planning Board, in the approval of CDP-0901 and CDP-0902, conditions for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park including: a softball field, a soccer field, a 65-space parking lot, and a vehicular access road from Missouri Avenue. Preliminary Plan of Subdivision 4-09003 established the timing for preparation of a tree conservation plan, construction drawings, and construction of the recreational facilities in the Brandywine Area Community Park.

*However, in 2013, it was determined that the Brandywine Area Community Park was the most suitable site for construction of the regional Southern Area Aquatic and Recreational Complex (SAARC). The land previously designated for construction of the two ball fields and the 65-space parking lot that was to be built by the developer of Villages of Timothy Branch is needed for the construction of SAARC, and is no longer available for the facilities that the applicant is conditioned to construct.

*The planning and development of the construction documents for this multi-generational regional community center are well underway. This 77,000-square-foot recreational complex, as envisioned in the *Formula 2040 Functional Master Plan for Parks, Recreation and Open Space* is a multi-generational facility that will provide an array of programs to serve the recreation and leisure needs

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and interests of the entire family and not just one age group. SAARC will include an indoor aquatic space, a double gymnasium, a walking track, a fitness center, and a flexible programmable space. The pedestrian and vehicular access to the park will be provided from Cattail Way and Missouri Avenue. This park development project is funded through the Prince George's County Capital Improvement Program (CIP). It is anticipated that the recreational complex will be under construction in 2015 and will be completed in 2017. The future residents of the Villages of Timothy Branch will be able to walk to this recreational complex through the master-planned trail to be located along Cattail Way.

*DPR met with the developer of the Villages of Timothy Branch and discussed the challenges associated with the Brandywine Area Community Park site. DPR and the developer agreed that an appropriate alternative to construction of the required off-site recreational facilities would be a monetary contribution in lieu of construction. DPR, in cooperation with the developer, prepared a cost estimate for the required design and construction of the recreational facilities. Based on the cost estimate, DPR and the developer established a monetary value of the contribution-in-lieu of construction of the required off-site facilities.

*By memo dated February 11, 2015 the Planning Director requested a waiver of the Planning Boards Rules of Procedure, a reconsideration, with a same day hearing. On March 19, 2015 the Planning Board approved the Planning Director's (M-NCPPC) request for the reconsideration of Conditions 14-21 related to the applicants requirement to construct the major recreational facilities in the Brandywine Area Community Park, and approved a fee-in-lieu payment to satisfy the off-site requirements of Condition 8(b) (A-9987), with no change to the proposed on-site private recreational facilities.

*[To address conditions of the basic plan and provide recreational opportunities for the residents of the proposed development, the applicant proposes the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park including: one softball field, one soccer field, and a 65-space parking lot. The first phase of park construction will have access from Missouri Avenue.]

In addition, the applicant proposes a package of on-site private recreational facilities, within CDP-0901 and CDP-0902, including: two recreational centers, with swimming pools, tennis courts, two gazebos, a stream valley trail, a tot lot, a school-age playground, three multi-age playgrounds, and one open play area.

The on-site recreational facilities within CDP-0901 include a recreation center, swimming pool, tennis courts, and two gazebo/seating areas. The Planning Board found that this recreation center should be moved to the south end of the residential pod, adjacent to the existing stormwater management pond, in order to serve both Residential Module No. 1 within CDP-0902 and the residential uses within CDP-0901. The addition of trails both around the pond and connecting to

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Residential Module No. 1 will serve to create a convenient, attractive recreational facility. Conditions requiring this have been included in this approval.

9. **The submission package of the Comprehensive Design Plan shall contain a signed Natural Resources Inventory (NRI). The NRI shall be used by the designers to prepare a site layout that limits impacts to the Regulated Areas and Evaluation Areas of the site to the greatest extent possible.**

A signed natural resources inventory (NRI) was submitted and approved for the subject site on August 19, 2010.

10. **Woodland conservation that is required by the Woodland Conservation Ordinance shall be provided on-site to the greatest extent possible.**

A revised Type 1 Tree Conservation Plan, TCP1-151-90-01, was submitted with the current application. A condition has been included in this approval that the total of the woodland conservation threshold and the replacement requirements for clearing below the threshold be provided as woodland conservation on-site.

11. **The submission package of the Comprehensive Design Plan shall include an Inventory of Significant Visual Features for the viewshed of historic Brandywine Road.**

In order to determine if there are historic or scenic characteristics that should be identified and preserved, an inventory of significant visual features for the viewshed adjacent to the right-of-way of Brandywine Road was required and submitted with the CDP.

The inventory states that, although the roadway still follows its historic alignment as it passes through the property, the improvements which have occurred or are proposed for the roadway are a contraindication to the provision of a scenic buffer adjacent to the right-of-way due to existing conditions.

When a roadway is designated as historic, it is because it is located in its historic alignment and there is an expectation that historic features will be found along its length, although not on every property. Roadways are a linear element, and the intention of the scenic buffer is to preserve or enhance the extent of the roadway and enhance the travel experience if scenic qualities or historic features have not been preserved.

The historic roadway has been evaluated by the Environmental Planning staff in four sections: The segment from Short Cut Road, east to the western edge of the office/retail/employment development pod west of Mattawoman Drive (this includes the adjacent R-M-zoned property); the segment adjacent to the office/retail/employment development pod west of Mattawoman Drive; the

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segment adjacent to the retail/office use pod east of Mattawoman Drive; and the segment from the eastern end of the retail/office use pod to the property boundary, just west of Kathleen Lane.

Segment 1: Starting from the westernmost point on the property, the first 350 linear feet of the viewshed is proposed to be retained in existing woodland with a depth of greater than 450 feet, which also incorporates the recorded 30-foot-wide landscape buffer as existing woodlands. This is complemented on the north side of Brandywine Road by a lengthy buffer of existing woodlands proposed on Lot 22 of the Stephen's Crossing project, currently under review for Detailed Site Plan DSP-09011.

Segment 2: Moving east, there are approximately 650 linear feet of right-of-way to the intersection with Mattawoman Drive, which includes the previously platted 30-foot-wide landscape buffer including the public utility easement. The revised CDP and TCP1 now indicate an afforestation area of approximately 40 feet in width (the minimum width for afforestation areas is 50 feet and landscape areas is 35 feet) located behind the public utility easement. This extends from along the front of the commercially-developed area to approximately 100 feet west of the centerline of Mattawoman Drive. It appears that this is intended to accommodate appropriate sight distance and the location of an entrance sign or feature.

Segment 3: To the east of Mattawoman Drive, there are approximately 1,600 linear feet of right-of-way. There is no recorded landscape buffer along this section of the right-of-way. In the first 800 linear feet, the CDP shows a parking lot and building proposed adjacent to the right-of-way, but both are set back a minimum of 50 feet from the public utility easement, which would allow an ample area to provide an appropriate historic road buffer (a Type D bufferyard) set outside of the ultimate right-of-way with minimal revision to the CDP. An appropriate complementary buffer will be recommended for incorporation into undeveloped Lot 21, Stephen's Crossing, located on the north side of Brandywine Road opposite this site, which is currently being reviewed under Conceptual Site Plan CSP-09003.

Segment 4: Farther east, a minimum of 850 linear feet adjacent to the right-of-way will remain as existing woodlands with a minimum depth of 500 feet due to the presence of a 100-year floodplain and wetlands.

A landscape buffer equivalent to a Type D bufferyard is generally required along a historic road because a Type D bufferyard is the requirement for a historic site. The bufferyard should provide for a 40-foot-wide landscape buffer, preferably in preservation, outside of the ultimate right-of-way and any utility easements. Where existing trees are not present, landscaping should be provided consisting of native trees and shrubs in quantities and sizes as required by the Landscape Manual. If the proposed landscape buffers are to be counted as woodland conservation, they must meet the minimum size, width, and stocking requirements of Subtitle 25.

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The design of the entrance features proposed on either side of Mattawoman Drive should be reviewed at the time of SDP to ensure that the design is: in keeping with the desired visual characteristics of the historic road; integrated into an overall streetscape treatment along Brandywine Road with regard to signage, materials, and plant species choices; and designed to complement the entrance feature and landscape treatment being proposed on the north side of Brandywine Road in conjunction with the Stephen's Crossing development.

The applicable conditions have been included in this approval.

12. **The applicant shall communicate with representatives of the following adjacent projects, to coordinate its development activities with these projects: Wilmer's Park, Chaddsford, Centrex, and Brandywine Crossing. The applicant shall place in the record (with copies to the Councilmanic District 9 office) copies of the correspondence with these project representatives. One year after final approval of the Basic Plan Amendment approved herein, the applicant shall file in the record (with a copy to the Councilmanic District 9 office) a report showing steps taken and to be taken to develop the subject property consistently and harmoniously with these other projects.**

The applicant provided copies of communications sent to the adjacent projects listed along with the Councilmanic District 9 office, but indicated that, at this time, no responses had been received in order to produce steps to develop the subject property consistently and harmoniously with these other projects.

Consideration

If public benefit features are needed and if the Applicant and DPR agree to a twenty acre on-site parkland dedication; the Applicant shall provide the needed recreational amenities so that the twenty acre public parkland can serve as a Community Park

The Department of Parks and Recreation (DPR) indicated that the applicant had agreed to provide recreational opportunities for the residents of the proposed development with the *fee in lieu payment of \$700,000 for the construction of major off-site recreational facilities at the nearby Brandywine Area Community Park. DPR believes that the combination of the proposed package of on-site private recreational facilities and *fee in lieu ~~[off-site public recreational facilities]~~ will satisfy the recreational needs of the residents of the Villages of Timothy Branch community. Therefore, there is no longer a need for on-site parkland dedication.

8. **Zoning Ordinance:** The subject CDP is in general compliance with the applicable requirements of the Zoning Ordinance as follows:

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- a. The subject CDP is in general compliance with the requirements of the L-A-C Zone as stated in Sections 27-494 and 27-515 with regard to purposes and permitted uses.
- b. **Development Standards:** The comprehensive design plan proposes the following development standards for the L-A-C Zone, which is intended to govern all future plans for development within the subject comprehensive design plan.

RESIDENTIAL USES—L-A-C ZONE

	Two-family attached	Single-family semidetached	Single-family attached ³	Multifamily ⁴
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street line	N/A	36 feet	20 feet	N/A
Minimum frontage at building restriction line	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	N/A	35	N/A	N/A
Minimum front setback ⁵	N/A	20 feet	⁶	⁷
Minimum side setback ⁵	N/A	10 feet	⁶	⁷
Minimum rear setback ⁵	N/A	30 feet	⁶	⁷
Minimum side setback to street ⁵	N/A	14 feet	⁶	⁷
Maximum residential building height	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8 ²
Minimum parking spaces	N/A	2.04 per DU	2.04 per DU	2.0 per DU ¹

¹ 0.66 spaces per dwelling unit (DU) provided for elderly multifamily housing

² Variance requested from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone. See Finding 10.

³ Applies to both front and rear loaded garage townhouses.

⁴ To be developed as condominiums.

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces, which may project into yard area. Decks may project into rear yards.

⁷ For multifamily buildings the minimum yard (setback) along a street shall be 25 feet.

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Residential Architecture—Design Parameters as proposed by the application:

- (1) A minimum (60 percent) of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, stucco or other masonry materials of equivalent quality.
- (2) Townhouses and semidetached dwellings facing a public street and side elevations facing a public street on corner lots shall be faced up to 40 percent with high-quality materials such as brick or stone, stucco or equivalent or other masonry materials (excluding gables, bay windows, trim, and doors).
- (3) All townhouse and two-over-two units with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco or other masonry materials of equivalent quality excluding gables, windows, doors, and trim.
- (4) Front elevations of townhouse and two-over-two units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
- (5) Front elevations of townhouse and two-over-two units facing Mattawoman Drive shall be offset by a minimum of two feet.
- (6) Architecture for multifamily buildings shall be faced with at least 40 percent brick, stone, stucco or equivalent or other masonry materials of equivalent quality. Elevations facing Mattawoman Drive or Matapeake Business Drive shall be faced with at least 60 percent brick, stone, stucco or equivalent or other masonry materials of equivalent quality.
- (7) A minimum of 30 percent of one-family detached dwellings shall have a full front façade (excluding gables, bay windows, trim, and doors) of brick, stone, stucco or other masonry materials of equivalent quality.
- (8) Townhouse units shall have a height limit of 50 feet. Two-over-two buildings shall have a height limit of 60 feet. Multifamily buildings shall have a height limit of 80 feet in the L-A-C Zone.
- (9) Specific architecture shall be approved at the time of specific design plan.

The Planning Board reviewed the standards above and found several revisions necessary as listed below.

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Despite a request for an increase in the allowed percentage of multifamily units, the amount of proposed residential units, 131, is far below the density envisioned with the approved basic plan. With such a low number of units, the proposal to offer four different unit types creates a piecemeal site layout with multiple areas of conflict between the different building types, heights, and lotting patterns. In order to minimize these use conflicts, and to create a more cohesive development, this approval includes a condition that the residential development be limited to no more than three different residential unit types, which may include two-family attached, single-family semidetached, single-family attached or active adult multifamily units. A note should be added to the CDP plan and text indicating that this will be enforced at the time of specific design plan.

Mattawoman Drive is a proposed arterial roadway, to be developed with six travel lanes, and will have a large visual and noise affect on any residential buildings adjacent to it. The CDP proposes to place multifamily buildings within the residential pod along Mattawoman Drive and provides a development standard setback for multifamily buildings of 25 feet along a street. Given the amount of noise that will be generated by this six-lane roadway, a 25-foot setback will not be sufficient. Therefore, a condition has been included to provide an increased building setback for any residential building adjacent to Mattawoman Drive.

The suggested Development Standards chart lists the minimum parking requirements for each proposed residential building type. Given that Part 11 of the Zoning Ordinance governs the amount of parking required for various residential units, the table shall be revised to note that the requirements of Part 11 apply.

No standards for maximum lot coverage have been established for the two-family attached, single-family attached or multifamily residential units. In order to ensure the final development has an appropriate amount of green area and provides enough open space to satisfy the needs of the residents, maximum lot coverages have been recommended for the various unit types. However, due to the standard development pattern of two-family attached and multifamily buildings being located on large, combined parcels as opposed to individual lots, this lot coverage percentage should be for the building coverage of the overall net tract area of the parcel.

Additionally, since the setback requirements for single-family attached units (townhomes) are related to a minimum total yard area, no specific yard depths are provided. This would mean that a rear-load garage townhouse could have in excess of 30 feet of driveway length depending on the final house siting. In order to prevent excessive amounts of paving for driveways, it is recommended that the development standards chart be modified to specify a minimum 25-foot front yard depth on rear-load garage townhomes in addition to the minimum yard area requirement.

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Conditions to address the issues discussed above have been included in this approval.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	Commercial Retail	Employment/ Flex Space
Minimum Net Lot Area	N/A	N/A	N/A
Minimum frontage at street R.O.W	N/A	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage (%)	N/A	N/A	N/A
Minimum front setback from R.O.W.	30 feet	30 feet	30 feet
Minimum side setback	30 feet	30 feet	30 feet
Minimum rear setback	30 feet	30 feet	30 feet
Maximum building height	N/A	N/A	N/A
Minimum parking spaces	As required by Section 27-568 and 27-566		

Commercial Architecture—Design Review Parameters as proposed by the application:

- (1) Commercial buildings shall incorporate high-quality building materials, which are durable and attractive such as brick, stone, stucco or other masonry materials of equivalent quality.
- (2) Architectural design of commercial structures should be pedestrian oriented and compatible in scale with overall design of the village center.
- (3) The design of retail buildings of two or more stories, if proposed, should emphasize the division between ground level and upper stories through design features such as, but not limited to, aligned windows, awnings, patterned bands, and cornices.
- (4) Drive through facilities shall be designed with adequate space for queuing lanes that do not conflict with traffic circulation or pedestrian access.
- (5) All building façades facing major roads shall be designed with equal attention to design details and building materials.
- (6) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

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The Planning Board has reviewed the standards above and finds them to be generally acceptable. However, given the mixed-use village center plan for Timothy Branch, any proposed drive-through restaurants or gas stations should be designed so that the drive-through area and gas pumps are located behind the building, not directly adjacent to the street, and do not impede pedestrian circulation. This requirement has been included in this approval.

- c. **Density Increment Analysis:** Section 27-485(c) presents a formula to be used in order to apply density and increment factors to mixed uses. The amount of commercial floor area and the amount of residential floor area are used to establish a ratio for calculating the amount of land devoted to the respective uses. In this way, a theoretical number of acres for commercial and residential land use will be established, which is used to calculate public benefit features and density/intensity increment factors related to commercial and residential development. The formulas are as follows:

KEY:

C =	Maximum square feet of commercial proposed
D =	Number of dwelling units proposed
A =	Total area of parcel in acres
k =	Average square feet per dwelling unit proposed

FORMULAS:

$kD / (kD + C) = PR$	Theoretical percentage (%) of the total land area considered residential
$C / (kD + C) = PC$	Theoretical percentage (%) of the total land area considered commercial
PR (A) =	Theoretical gross residential acreage
PC (A) =	Theoretical gross commercial acreage

The formulas completed for CDP-0901 are as follows:

KEY:

C =	305,000 square feet of commercial proposed
D =	131 number of dwelling units proposed
A =	72.26 acres total area
k =	1,700 average square feet per dwelling unit proposed

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FORMULAS:

$$kD / (kD + C) = PR$$

$$C / (kD + C) = PC$$

$$PR (A) =$$

$$PC (A) =$$

$$\begin{aligned} & (1,700 \times 131) / ((1,700 \times 131) + 305,000) = \\ & 42.2 \text{ theoretical percentage of residential land} \\ & 305,000 / ((1,700 \times 131) + 305,000) = \\ & 57.80 \text{ theoretical percentage of commercial land} \\ & 0.4220 \times 72.26 \text{ acres} = \\ & 30.49 \text{ theoretical gross residential acreage} \\ & 0.5780 \times 72.26 \text{ acres} = \\ & 41.77 \text{ theoretical gross commercial acreage} \end{aligned}$$

The allowed and proposed residential density and commercial intensity, based on the theoretical gross acreages, is as follows:

L-A-C ZONE RESIDENTIAL UNITS

Base density 10 DUs/AC	305 Units
Maximum density 15 DUs/AC	457 Units
Density requested 4.3 DUs/AC	131 Units
Density increment requested 0%	0 Units

L-A-C ZONE COMMERCIAL SQUARE FOOTAGE

Base intensity 0.2 FAR	363,900 Square feet
Maximum intensity 0.4 FAR*	727,800 Square feet
Intensity requested 0.17 FAR	305,000 Square feet
Intensity increment requested 0%	0 Square feet

* Maximum intensity per Basic Plan A-9988

In summary, this CDP does not propose or request any increase in residential density or commercial intensity increment factors for the L-A-C Zone.

9. Prior to approving a comprehensive design plan, the Planning Board must make the required findings found in Section 27-521(a) of the Zoning Ordinance:
 - (1) **The plan is in conformance with the Basic Plan approved by application per Section 27-195; or when the property was placed in a Comprehensive Design Zone through a Sectional Map Amendment per Section 27-223, was approved after October 1, 2006, and for which a comprehensive land use planning study was conducted by Technical Staff prior to initiation, is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

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The plan is found to be in conformance with approved Basic Plan A-9988. See Finding 7 for a detailed discussion.

- (2) The proposed plan would result in a development with a better environment than could be achieved under other regulations;**

The proposed mixed-use development emphasizes the village center nature of the site and allows commercial development to be concentrated in close proximity to the adjacent residential uses in a way that would be difficult to achieve in any conventional zone.

- (3) Approval is warranted by the way in which the Comprehensive Design Plan includes design elements, facilities, and amenities, and satisfies the needs of the residents, employees, or guests of the project;**

The proposal includes commercial uses and living opportunities all within walking distance to each other. Design features include pedestrian connections, recreational amenities within the site for residents of the subject property, and a fee-in-lieu for improvements to the off-site Brandywine Area Community Park for the benefit of residents and citizens of the county.

The Planning Board found that the CDP includes beneficial elements, but has found several conditions of approval relating to design elements, facilities, and amenities that will ensure that the needs of residents, employees, or guests of the project will be satisfied.

- (4) The proposed development will be compatible with existing land use, zoning, and facilities in the immediate surroundings;**

The intensity of the proposed project is in accordance with approved Basic Plan A-9988 and in conformance with the master plan vision for the property. Approval and construction of the project will help complete the recreational park for the entire community. The design for the project is compatible with existing uses and the proposed office components will enhance the mixed-use opportunities in the immediate surroundings.

The proposed development will be compatible with existing land use and zoning in the immediate surroundings. Across Brandywine Road, to the north, is undeveloped land in the I-1 and M-X-T (Mixed Use—Transportation Oriented) Zones, which has applications in the review process to develop the property with another community of mixed commercial, office, and residential uses. Across Timothy Branch Stream Valley to the east, there are undeveloped and developed single-family detached lots in the Rural Residential (R-R) Zone. To the southeast, is the R-M-zoned CDP-0902, which proposes a similar mix of residential units. To the southwest, proximate to the office and employment uses within CDP-0901, is the existing warehouse in the I-3 and E-I-A Zones. The proposed mixed-use development will be compatible with these existing and future

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land uses. Where the property is adjacent to an incompatible land use, the provisions of the Landscape Manual will mitigate the incompatibility.

(5) 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 subject CDP proposes a comprehensively planned community with various housing types, recreational facilities and amenities, and commercial uses that are interconnected by the internal circulation system and a pedestrian network consisting of a stream valley trail system and sidewalks. The land uses and facilities covered by the comprehensive design plan will be generally compatible with each other in relation to the amount of building coverage and open space; however, the Planning Board has found several conditions of approval relating to ways to improve areas of deficiency.

Regarding land uses being compatible to each other in relation to building coverage and open space, the Planning Board found that the use of four different residential unit types creates many areas of conflict between different size buildings with different lotting patterns. Given the low number of proposed residential units within this CDP, a condition has been included allowing a maximum of three different residential unit types in order to create a more harmonious building and lot layout.

Regarding building coverage, a condition has been recommended setting maximum lot coverage for two-family attached, single-family attached, and active-adult multifamily unit types, which will ensure that appropriate open space is provided for each of these types. Additionally, the Planning Board found that the active-adult multifamily residential buildings could be relocated to the east and arranged adjacent to the open space within the Timothy Branch stream valley. This will allow a large group of residents, whom may not have private outdoor open space, to have access to the benefits provided by this large swath of community open space. A condition allowing for the redesign of the residential pod at the time of SDP has been included with this approval.

(B) Building setbacks from streets and abutting land uses; and

The applicant provided development standards to establish setbacks for residential and commercial buildings that conform with the requirements of the L-A-C Zone. However, the Planning Board approved several conditions to revise the development standards chart in order to ensure that all residential and commercial buildings have appropriate relationships to each other and the major roadways within the development.

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Residential buildings fronting on Mattawoman Drive, a six-lane arterial roadway, are problematic due to the high volume of traffic that will be using this thoroughfare, including possibly truck traffic to the existing warehouse. Unmitigated noise contours were provided on the CDP plan, which shows some of the effects of the roadway on the adjacent property. The 75 dBA Ldn noise contour is located approximately at the right-of-way line along both sides of Mattawoman Drive, with the 70 dBA Ldn noise contour being approximately 100 feet behind that, and another 100 feet behind that is the 65 dBA Ldn noise contour, which is generally the maximum acceptable noise level for residential properties. Policies contained in the General Plan call for the reduction of adverse noise impacts to meet State of Maryland noise standards. Per Subdivision Regulations, Section 24-121(a)(4):

Residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet. ... Adequate protection and screening from traffic nuisances shall be provided by earthen berms, plant materials, fencing, and/or the establishment of a building restriction line, when appropriate.

In order to allow room for landscaping, berms, or possibly fencing to provide protection and screening from traffic nuisances, the Planning Board approved the establishment of a minimum 50-foot building restriction line for all residential buildings along Mattawoman Drive. The addition of a landscaped area (or tree preservation area) within this building restriction area would allow the opportunity to provide visual and noise buffering for the residential units.

Additionally, a condition requiring two landmark commercial buildings, to be located on both corners at the intersection of Brandywine Road and Mattawoman Drive, with a maximum build-to-line of 100 feet from both rights-of-way has been approved in order to define the entrance to the entire community and prevent having large expanses of parking directly adjacent to this main intersection.

Regarding building setbacks from abutting land uses, the area of most concern is the edge where the proposed residential pod adjoins the proposed retail/office use pod. The two uses are generally seen to be incompatible because of the high traffic, noise, and undesirable areas, such as trash and loading associated with commercial uses. In order to mitigate these effects on the residential uses, the Planning Board approved a condition requiring an appropriate landscape bufferyard, be provided between the commercial and residential uses. This bufferyard should be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.

(C) Circulation access points;

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Circulation access points are designed to provide adequate and efficient access to the subject property while minimizing impacts on adjoining land uses. All points of access to the subject property are off of the existing portion of the master-planned roadway, Mattawoman Drive.

However, the multiple public streets ending in cul-de-sacs as shown on the illustrative plan within the residential pod inhibit vehicular circulation and seem to be a suburban design that is not in keeping with the concept of concentrated, compact development as envisioned by the Subregion 5 master plan. The Planning Board approved a condition requiring that at the time of SDP, the residential development be designed to minimize the use of public streets ending in culs-de-sac in order to promote vehicular circulation.

- (6) 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;**

The subject property is proposed to be built in a continuous phase of development with the construction of the commercial and employment components commencing once there is a base of residential uses, specifically 226 total units within CDP-0901 and CDP-0902, as described by the applicant.

The Department of Parks and Recreation has recommended and the Planning Board approved appropriate timing for *the payment of the required fee-in-lieu for the construction of the off-site recreational facilities. Specifically, *prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex. [the applicant shall provide, to DPR for review and approval, construction drawings and specifications for the Phase 1 recreational facilities and related stormwater facilities in Brandywine Area Community Park prior to the issuance of 20 percent of the residential building and multifamily unit permits and construct the Phase 1 recreational facilities prior to the issuance of 50 percent of the residential building and multifamily unit permits for the entire Timothy Branch project, including CDP-0901 and CDP-0902.]

Regarding the on-site recreational facilities, the applicant proposes that the facilities will be permitted along with the building permits for the adjacent residential development within the same block. This wording does not provide a specific directive of timing; therefore, the Planning Board

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approved the following phasing which relates to the phasing of the residential units within CDP-0901.

CDP-0901 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
One gazebo/seating area - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall* residential unit permit
2,500 sq. ft. tot-lot - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall residential unit permit
Min. 2,200 square-foot Community building and swimming pool - LAC	Prior to the issuance of 200th overall* residential unit permit	Complete by 300th overall residential unit permit
Double Tennis Court - LAC	Prior to the issuance of 200th overall residential unit permit	Complete by 300th overall residential unit permit
Timothy Branch ¹ Stream Valley Trail (approx. 1,800 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

* "Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

(7) The staging of development will not be an unreasonable burden on available public facilities;

The required fire and rescue and police for the subject property have been determined to be adequate. A school facilities surcharge will be required to be paid at the time of the issuance of each building permit in accordance with County Council Bill CB-31-2003.

The Planning Board found that the proposed CDP and its staging of development will not be an unreasonable burden on available transportation facilities, and the requirements pertaining to transportation facilities under Section 27-521 of the Zoning Ordinance would be met if the application is approved with conditions, which have been included in this approval.

(8) Where a Comprehensive Design Plan proposal includes an adaptive use of a Historic Site, the Planning Board shall find that:

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- (A) **The proposed adaptive use will not adversely affect distinguishing exterior architectural features or important historic landscape features in the established environmental setting;**
- (B) **Parking lot layout, materials, and landscaping are designed to preserve the integrity and character of the Historic Site;**
- (C) **The design, materials, height, proportion, and scale of a proposed enlargement or extension of a Historic Site, or of a new structure within the environmental setting, are in keeping with the character of the Historic Site;**

The proposed plan does not propose an adaptive re-use of a historic site.

- (9) **The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and except as provided in Section 27-521(a)(11), where townhouses are proposed in the Plan, with the exception of the V-L and V-M Zones, the requirements set forth in Section 27-433(d);**

The plan incorporates the applicable design guidelines as set forth in Section 27-274 of the Zoning Ordinance, with modifications and revisions to meet the specific situations of this development.

- (10) **The Plan is in conformance with an approved Type 1 Tree Conservation Plan;**

This property is subject to the provisions of the Woodland and Wildlife Habitat Conservation Ordinance because the property has a previously approved Type 1 tree conservation plan and portions of the site have an approved Type 2 tree conservation plan. A revised Type 1 Tree Conservation Plan (TCP1-151-90-01) that encompasses the entire land area for CDP-0901 and CDP-0902 was submitted and reviewed with the comprehensive design plan.

The revised TCP1 submitted with the CDP proposes clearing 144.30 acres of the upland woodlands, 1.06 acres of wooded floodplain, and 0.13 acre of off-site impacts. The woodland conservation threshold for this property is 53.77 acres. Based upon the proposed clearing, the woodland conservation requirement for the development proposed is 108.07 acres. With the addition of the 1.73 acres of off-site woodland conservation provided for Parcel E (TCP2-042-97), the total woodland conservation requirement to be provided is 109.80 acres.

The plan proposes to meet the requirement with 28.76 acres of on-site preservation, 45.74 acres of afforestation/reforestation, and 33.57 acres of off-site mitigation in fulfillment of the woodland conservation requirements for the site.

Because much of the site is located within a designated evaluation area of the *Approved Countywide Green Infrastructure Plan* and within the watershed of Mattawoman Creek, woodland conservation should be provided on-site to the greatest extent possible. Preservation of existing

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woodlands is the highest priority, but additional afforestation on-site in priority areas, to widen stream buffers and protect sensitive environmental features, is also recommended. In addition, the strategies contained in the *Prince George's County Approved General Plan* indicate that, if off-site woodland conservation is provided in fulfillment of the woodland conservation requirement, it be fulfilled within the Mattawoman Creek watershed.

The woodland conservation threshold for the subject property is 53.77 acres. The revised TCP1 proposes to provide 74.50 acres of woodland conservation on-site; this is less than the woodland conservation threshold for the site plus the 2:1 replacement requirement for on-site clearing below the threshold (53.77 acres plus 23.17 acres equals 76.94 acres). The concept of providing the threshold acreage and the acreage required for clearing below the threshold on-site would meet the criteria of meeting the woodland conservation requirements on-site to the fullest extent possible.

(11) The plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

In order for the Planning Board to make this required finding, a letter of justification must be submitted that describes the existing regulated environmental features on the site, whether or not the features are to be preserved and/or restored, and how the design has avoided the proposed impacts and/or minimized them, including anticipated impacts for wet pond outfalls.

The methods to determine the "fullest extent possible" are provided in Part C of the Environmental Technical Manual and include avoidance, minimization, and, where necessary, mitigation. The manual also describes what types of impacts are considered "necessary" and the types that can be avoided.

A revised letter of justification for impacts to the primary management area (PMA) associated with Preliminary Plan 4-09003, Villages at Timothy Branch, was submitted and stamped as received by the Environmental Planning Section on August 27, 2010. This letter of justification will be accepted for a review of impacts to the PMA in conjunction with the review of the preliminary plan.

If the cumulative impacts on the site total 200 or more linear feet of stream beds or one-half acre of wetlands and wetland buffers, then mitigation will be required and evaluated at the time of preliminary plan review. The letter of justification indicates that the currently proposed impacts exceed 200 linear feet of stream bed and one-half acre of wetlands and wetland buffers.

Based on the letter of justification submitted as part of the preliminary plan application and based on the conceptual locations of the proposed impacts as shown on the CDP and associated TCP1, the Planning Board found that the regulated environmental features have been preserved and/or restored to the fullest extent possible. Conditions are included in this approval to ensure that this is maintained in all future plans.

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- (12) **Notwithstanding Section 27-521(a)(9), property placed in a Comprehensive Design Zone pursuant to Section 27-226(f)(4), shall follow the guidelines set forth in Section 27-480(g)(1) and (2); and**

Section 27-226(f)(4) and Section 27-480(g) of the Zoning Ordinance do not apply as the property was placed in the comprehensive design zone through a Basic Plan, A-9988, and not a sectional map amendment.

- (13) **For a Regional Urban Community, the plan conforms to the requirements stated in the definition of the use and satisfies the requirements for the use in Section 27-508(a)(1) and Section 27-508(a)(2) of this Code.**

The Villages at Timothy Branch project is not part of a Regional Urban Community.

10. **Variance Request:** This application includes a variance request from multifamily dwelling unit percentages found in Section 27-515(b)(7) as follows.

Section 27-515(b), Table of Uses, Footnote 29 states:

Except as provided in Section 27-480(g), for Specific Design Plans for which an application is filed after December 30, 1996, the following restrictions shall apply... Multifamily dwelling units may comprise not more than the following percentages of the total number of dwelling units in the Comprehensive Design Plan: in the... L-A-C, thirty percent (30%); and M-A-C, forty percent (40%). These multifamily restrictions do not apply to Transit District Overlay Zones, and these townhouse and multifamily restrictions shall not apply to dwelling units on property in the L-A-C Zone, if any portion lies within one-half (1/2) mile of an existing or planned Washington Metropolitan Area Transit Authority Metrorail station... No Basic Plan or Comprehensive Design Plan Amendment is required provided the building design and architecture requirements, as previously approved, are not modified. (CB-56-1996; CB-25-2003).

The applicant proposes the following percentage for each type of housing:

	Two-Family %	SFSemiD %	SFA %	Multifamily %	Total
L-A-C	30.5	15.3	8.4	45.8	100

The applicant is requesting a variance of 15.8 percent from the maximum multifamily dwelling unit percentage requirements as stated in Section 27-515(b), Footnote 29, which allows a maximum of 30 percent of multifamily dwelling units in the L-A-C Zone. Since the proposed development in this comprehensive design plan hinges on the approval of the variance, it must be

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analyzed at this time to ensure that the overall goals of the development can be achieved as planned.

Per Section 27-230 of the Zoning Ordinance, a variance may only be granted when the Planning Board finds that:

- (1) **A specific parcel of land has exceptional narrowness, shallowness, or shape, exceptional topographic conditions, or other extraordinary situations or conditions;**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The property has exceptional shape, topography, and or other extraordinary situations or conditions. First and foremost, the property is encumbered by Waters of the U.S., including tributaries to Timothy Branch, Timothy Branch, associated non-tidal wetlands, and an intermittent stream that diagonally bisects the property. The Waters of the U.S. provide for exceptional topography and reduce the building envelope. Moreover, the property is uniquely shaped due to its location between US Route 301 to the west and Timothy Branch to the east. Additional encumbrances on the developable area of land include the existing warehouse on Parcel E, which is not included in the development plan, and the Master Plan road alignment for A-63, Mattawoman Drive which bisects the property. The net result of the transportation network and environmental features is that the applicant is forced to increase the percentage of total units in order to adhere, as much as possible, with the density and mix of uses envisioned in the Basic Plan and Subregion 5 Master Plan."

The applicant, in making a justification for the variance request at this conceptual stage, argues the extraordinary land conditions in relation to the entire land assemblage of 334 acres for CDP-0901 and CDP-0902 combined. This is atypical as the required variance finding is for a "specific" parcel of land. However, the Planning Board found that the environmental areas, master-planned road, and irregular lot shape are unique constraints on the subject property and contribute to a condition that limits the areas available for siting development. This, coupled with the basic plan and Subregion 5 master plan vision for a densely developed community center on the subject property, justifies the consideration of the variance in relation to the whole property.

- (2) **The strict application of this Subtitle will result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the property; and**

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

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"The applicant contends that practical difficulties exist in the strict application of the Zoning Ordinance due to the fact that the applicant would be required to significantly reduce the density proposed for this mixed use village center development. This would contradict with the vision and goals of the Master Plan and Basic Plan. As proposed, the applicant is only requesting a variance of 15.8% to the number of multifamily units. To comply with the unit percentage limitations and provide for the density envisioned in the Master Plan, especially given the property's extraordinary conditions, is impossible."

As discussed above, the limited developable land and the intensive development pattern envisioned for the subject site creates an extraordinary situation for this property. The strict application of this Subtitle will result in peculiar and unusual practical difficulties for the property owner because denial of the variance would result in a significant loss of dwelling units. Allowing a higher percentage of multifamily units will also allow the development to propose more residential units to be closer in line with the high density approved with the basic plan.

(3) The variance will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan.

Applicant's Justification: The applicant provided the following summarized justification in response to this requirement:

"The 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the property in the L-A-C zone and anticipated the development proposed in the Basic Plan. The basis for this variance is to facilitate the kind of mixed-use village center envisioned by the Master Plan and Basic Plan. Moreover, the proposed development 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 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". 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-use housing and states that "mixed-use housing is integral to this general plan". The applicant is proposing a mix of single-family semidetached, townhouse, two-family attached, and multifamily condominium units. Thus, the variance requested herein will not substantially impair the intent, purpose, or integrity of the General Plan or Master Plan."

The Planning Board approved the variance for the subject property in order to enable the applicant to propose more residential units on future plans, in an effort for the development to come closer

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to achieving the densities envisioned in the 2002 General Plan, the basic plan, and the Subregion 5 master plan. This density could be achieved if additional residential units were located within a mixed-use structure where retail uses were located on the lower level and residential units on upper floors. The Planning Board included a condition that every effort should be made to increase residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. Granting the variance will allow the CDP the ability to more closely comply, in terms of density, with the intent and purpose of the General Plan and master plan; therefore, the Planning Board approved the variance of 15.8 percent for the maximum percentage of the multifamily dwelling units in the L-A-C Zone.

11. **Woodland and Wildlife Habitat Conservation Ordinance:** This site is subject to the Woodland and Wildlife Habitat Conservation Ordinance because it is more than 40,000 square feet in total area and contains more than 10,000 square feet of woodland. There are no previously approved tree conservation plans or exemptions.

- a. An approved Natural Resources Inventory, NRI-002-07, was submitted with the application. The NRI correctly shows all of the required information. This site contains natural features that are required to be protected under Section 24-130 of the Subdivision Regulations. The Countywide Green Infrastructure Plan identifies extensive regulated areas, evaluation areas, and gap areas on this property that are within the network.
- b. Type 1 Tree Conservation Plan, TCP1-151-90-01, was submitted with the application. The Planning Board approved Type 1 Tree Conservation Plan TCP1-151-90-01, subject to conditions included in this approval.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The comments are summarized below.

Historic Preservation: The Planning Board found that the proposed mixed-use development in the L-A-C Zone will have no effect on identified historic sites, resources or districts.

Archeological Review: The Planning Board found that:

- a. A Phase I archeological survey was completed on the subject property prior to submission of this comprehensive design plan. The Phase I archeological survey of the Timothy Branch property consisted of surface survey of all plowed fields and the excavation of 1,762 shovel test pits (STPs). The survey located one previously recorded Historic Site, 18PR454, and one previously recorded Prehistoric Site, 18PR974. Five new archeological sites were delineated and include a late 19th or early 20th century Domestic Site, 18PR991; a Prehistoric Site, 18PR992, likely dating to the Archaic period (7,500 to 1,000 BC); a mid-19th century Domestic Site, 18PR993; a Colonial Period Domestic

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Occupation, 18PR994; and a mid- to late-20th century Domestic Ruin, 18PR995. Sites 18PR992, 18PR993, and 18PR994 were noted to potentially contain significant information.

- b. This report recommends that sites 18PR992, 18PR993, and 18PR994 could potentially contain significant information on the history of Prince George's County. Although a portion of site 18PR454 has been impacted by gravel extraction and grading for sediment control features, the western part of the site may retain some integrity. Phase II investigations should be conducted on sites 18PR454, 18PR992, 18PR993, and 18PR994, and these studies have been completed.
- c. If state or federal monies, or federal permits are required for this project, Section 106 review may require archeological survey for state or federal agencies. Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties, to include archeological sites. The applicant shall provide proof to Historic Preservation staff that they have forwarded all necessary materials to the Maryland Historical Trust for their review of potential effects on historical resources on the subject property prior to approval of a preliminary plan.

The archeological conditions will be included in the approval of a preliminary plan of subdivision in the future, as Subtitle 24 provides the basis for archeological preservation.

Community Planning: The application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier and it conforms to the recommendations of the 2009 *Approved Subregion 5 Master Plan and Sectional Map Amendment*. Further analysis of the community planning issues is as follows:

In terms of the residential density proposed in the L-A-C Zone, the 131 units shown is much lower than the minimum recommended 640 units in the approved Basic Plan, A-9988. This lower density is a concern based on having an adequate number of new households to support both the proposed retail development, as well as the nearby major shopping center at Brandywine Crossing. Although the L-A-C development is not in the designated center, density is needed here to support all of these approved and proposed shopping areas, as well as to support the planned future transit line along US 301, to the west of this development along the eastern side of MD 5/US 301.

It should also be noted that this area in Brandywine is now well served by retail with the approximately 780,000 square feet of new retail space under construction at the Brandywine Crossing development to the south. The basic plan envisioned a small shopping center in the L-A-C Zone with 80,000–100,000 square feet of commercial retail uses to also serve the new planned residential development. In addition to this new center, an older commercial area just to the east on Brandywine Road is the subject of a revitalization study. The commercial area includes a number of historic properties, which creates an opportunity to strengthen and improve the

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existing commercial uses while building on the historic fabric of the community. This older commercial area serves as a gateway to the county's rural tier communities, and community members voiced their desire during the just completed master planning processes for Subregions 5 and 6 to focus on revitalizing the commercial area to ensure its long-term survival and help create a community focal point. As such, it is important to limit new commercial and retail uses on Brandywine Road to protect the long-term viability of the existing commercial area and not promote excessive strip commercial development. An increase in office and employment uses in this comprehensive design plan is also important to ensure a strong mixed-use compact development that will provide both local jobs, as well as market support for retail in the existing and proposed commercial areas.

The Planning Board found that the amount of residential density proposed within this CDP is not completely in line with the vision for the property as approved with the basic plan and the Subregion 5 master plan. The Planning Board approved a condition requiring the development to have a minimum of 131 residential units, allowing for the unit count to increase as long as the development conforms to the trip cap established by the Transportation Planning Section.

The Planning Board found that office uses are important in order to create a compact, mixed-use village center that will provide local jobs. Therefore, the Planning Board approved a condition limiting the development to a maximum of 100,000 square feet of retail uses in order to ensure that there is an emphasis on office uses within the total proposed commercial square footage.

Transportation Planning: A detailed analysis of the traffic impact of this application (Finding 7) was reviewed and the Planning Board concluded that the proposed CDP will not be an unreasonable burden on available transportation facilities as required under Section 27-521(a)(7) of the Zoning Ordinance. Further analysis of the transportation issues is as follows:

With regard to the L-A-C-zoned portion of the site, the site is affected by A-63 (Mattawoman Drive), a master plan arterial facility traversing the site from north to south, and C-613, a planned collector facility along existing MD 381. The plan makes adequate provision for 120 feet of right-of-way for A-63. It also makes adequate provision for right-of-way of 40 feet from the centerline along MD 381. Depending on the lotting pattern, variations for driveway access to MD 381 and A-63 may need review. This will be evaluated further in the context of the preliminary plan of subdivision.

The transportation planning conditions as discussed have been incorporated into this approval.

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Subdivision Review: The northern portion of the site (all of CDP-0901 and part of CDP-0902) is platted and known as Parcels A through G, excepting Parcel E, of the Brandywine Commerce Center. The southern portion of the site (entirely within CDP-0902) is known as unrecorded Parcels 4, 13, 19, and 25. A preliminary plan of subdivision is required for the entire site (i.e. that covered by CDP-0901 and CDP-0902) prior to the approval of specific design plan(s) for the subject property.

Preliminary Plan of Subdivision 4-92048 (PGCPB Resolution No. 92-187) was approved for the Brandywine Commerce Center in July of 1992 for the development of 4,012,846 square feet of industrial park space on 372 acres. Less the 28 acres of Parcel E that was not included in the CDP applications, the remaining site measures 334 acres. The northern portion of the site overlapping both the subject CDP and CDP-0902 has been platted. The remainder of the site was not platted within six years from July 23, 1992, the date of the adoption of PGCPB Resolution No. 92-187, the validity period allowed by Section 24-119(d)(7) of the Subdivision Regulations for industrial zones and nonresidential areas within a comprehensive design zone. No extensions were filed and the validity period has expired, so the preliminary plan is no longer valid for the remainder of the site.

The applicant is required to file a new preliminary plan of subdivision prior to development of this property, because this plan is a complete departure from the amount and type of development proposed in 1992. It changes the number of lots and parcels, and includes residential uses whose impact on public facilities has not been calculated on this site.

The District Council approved the rezoning of the site and the basic plan as part of Zoning Map Amendments A-9987 (CDP-0902) and A-9988 (CDP-0901). Conditions 2, 3, 4, 5, 6, and 10 relate to the review of this CDP in light of a future preliminary plan of subdivision.

Further analysis of the subdivision issues is as follows:

The CDP may not represent an acceptable level of detail in the text. As the CDP will act as a locally applicable zoning ordinance for bulk and lot standards within this development, it is important that the text address characteristics of the site and proposed development within each lot, as well as prepare for eventual use by individual end users. The text should consider:

- a. **Increased setbacks for different street widths.** The plan shows public rights-of-way that are 50 and 60 feet wide, private streets that are 22 and 26 feet wide, private driveways, private alleys, private parking compounds, and a 120-foot-wide arterial roadway. Lots of similar shapes and depth face all types of streets. It would be appropriate to increase the setback along wider streets, such as making a setback equal to one-half of the width of the street. This would keep the 25-foot setback for single-family detached homes along the secondary 50-foot-wide streets, but widen the setback for the duplexes facing a 60-foot-wide street.

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In review of Section 27-442(e), Residential Zone Yard Regulations, of the Zoning Ordinance a residential unit's front yard depth requirement is not typically based on the street width upon which it fronts. However, Section 24-121(a)(4) of the Subdivision Regulations requires that "residential lots adjacent to existing or planned roadways of arterial classification shall be platted with a minimum depth of one hundred and fifty (150) feet."

This regulation protects the dwelling units from the negative impacts of noise and exhaust of the traffic of the arterial roadway, which typically involves very high levels of traffic volume. Mattawoman Drive is projected to carry 47,300 vehicles per day, as stated on the Subregion 5 master plan, Transportation Technical Bulletin. The Planning Board found that an increased setback for residential structures from the arterial roadway classification should be required. A condition has been included in this approval that would require a 50-foot building restriction line, to include a ten-foot public utility easement (PUE) for all residential buildings along Mattawoman Drive.

- b. **Architectural features permitted within required setbacks.** While increased setbacks may improve the aesthetics of the development and lotting pattern, this can be undermined by grossly exaggerated sets of stairs, retaining walls, or other architectural features being permitted within the setback. This will be important for the two-family attached dwellings, where some designs for this type of dwelling have exterior stairs accessing the second floor. The CDP should clearly state which architectural features, if any, are allowed within these setbacks.

The Planning Board found that the design and location of various architectural features can undermine the benefits of an increased building setback. The amount of stairs and the height of retaining walls within this building restriction area will be reviewed further at the time of SDP.

- c. **Setbacks, height limits, and lot coverage standards for accessory buildings, decks, and fences.** It is not too early to consider the end user that will be living in these homes. The eventual home buyer will want to improve their homes with sheds, pools, and other amenities. The CDP must establish setbacks for accessory buildings, decks, and fences.

The Planning Board found that establishing standards for accessory buildings, decks, and fences is appropriate at this time in order to ensure consistency in future specific design plan review and future homeowner improvements within the development. A condition has been included in this approval that alters the development standards chart to include typical standards for these items.

- d. **Setbacks from proposed trails, parking compounds, and cross-block pathways.** The master plan trail closely follows the rear property line of several lots along the eastern side of the development area. This trail has been field located by staff with the applicant. However, recent applications that have appeared before the Planning Board suggest that

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the benefits of such trails are not fully appreciated by the eventual homeowners, who construct fences or other structures against or even impeding the trail. The same issue can arise where parking compounds are close to townhouses or where trails are proposed to cross in the middle of a large block. The CDP can establish a minimum distance of 15 to 20 feet between property lines and the master plan trail, as well as establish planting requirements where these features are close to backyards. Setbacks for accessory buildings and fences in these areas can be increased five or ten feet in order to remove pressure from the trails. Alternately, the trail itself could be revised to move it away from the boundary line for the single-family residences.

The Planning Board found that it is important to develop an appropriate spatial relationship between the master-planned trail and residential units. A condition has been included in this approval that requires a minimum 20-foot setback from any residential lot line and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network.

From a subdivision perspective, these issues are important because they will be used to determine the appropriateness of each proposed lot and parcel. Given the constraints listed above, it is anticipated that the lotting pattern, street layout, and open space design may change at the time of preliminary plan.

The applicant should identify whether streets are to be public or private at the time of preliminary plan. This will be important in determining which residential uses will be permitted in which locations. The Subdivision Regulations, Section 24-128(b)(7)(A) states, in part that:

In Comprehensive Design and Mixed Use Zones...the Planning Board may approve a subdivision (and all attendant plans of development) with private roads to serve attached single-family dwellings, two-family dwellings, and three-family dwellings, but not single-family detached or multifamily dwellings...

The private roads permitted under this section must be in accordance with the Zoning Ordinance in Section 27-433(e), streets in the R-T Zone, and Section 27-433(f), access to individual lots in the R-T Zone. The applicant should refer to these sections for further regulations dealing with alleys that provide access to the rear or side of abutting lots not intended for general traffic circulation. The applicant should provide rationale in the preliminary plan for the use of a public road versus a private road, as well as the transition between changes in street width at different points on the same road.

The CDP identifies lot/width frontage for commercial uses in the L-A-C Zone as "not applicable" (CDP text, p. 29). While this is correct for a lot standard under the Zoning Ordinance, the Subdivision Regulations require that each parcel have frontage on and direct vehicular access to a public street. Should the applicant create parcels that do not have frontage on and direct vehicular access to a public street, the applicant must show that the proposed parcels conform to the

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provisions of Section 24-128(b) of the Subdivision Regulations at the time of preliminary plan of subdivision.

The applicant has proposed an extensive system of trails through the site in accordance with the approved basic plan and the master plan vision for this area. The Transportation Planning Section should comment further on the adequacy of these trails. Limited connections should be considered between the master plan trail and the community.

The subdivision conditions as discussed have been included in this approval.

Trails: A detailed background review was done of the subject comprehensive design plan regarding trails issues. The trails conditions have been incorporated in this approval.

The Department of Parks and Recreation (DPR): ~~*[In a memorandum dated August 4, 2010, the Department of Parks and Recreation (DPR) recommended approval of this comprehensive design plan with 13 conditions.]~~ DPR staff finds that the application will satisfy the conditions of approval attached to Basic Plan A-9988, the requirements and recommendations of the 2002 *Prince George's County Approved General Plan*, and the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. The 13-conditions as received from DPR have been included in this approval.

Public Facilities: This comprehensive design plan has been reviewed in accordance with Section 27-521 of the Zoning Ordinance, which states that:

The staging of development will not be an unreasonable burden on available public facilities.

Police Facilities: The proposed development is within the service area of Police District V, Clinton. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department. As of July 1, 2008 (U.S. Census Bureau), the county population estimate is 820,852. Using 141 square feet per 1,000 residents, it calculates to 115,740 square feet of space for police. The current amount of space, 267,660 square feet, exceeds the guideline of 115,740 square feet.

Fire and Rescue: This plan is within the seven-minute required response time for the first due fire station using the *Seven-Minute Travel Times and Fire Station Locations Map* provided by the Prince George's County Fire/EMS Department.

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First Due Fire/EMS Company #	Fire/EMS Station	Address
40	Brandywine	14201 Brandywine Road

Capital Improvement Program (CIP): The Prince George's County FY 2010–2015 Approved Capital Improvement Program budgets funding for the replacement of Company 40, Brandywine Fire/EMS Station at 14201 Brandywine Road. This fire station site is 1.4 minutes from the subject development.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan* and the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities."

Public Schools: 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-495/95 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; or *\$12,000 per dwelling for all other buildings* (emphasis added). County Council Bill CB-31-2003 allows for these surcharges to be adjusted for inflation and the current amounts are \$8,120 and \$13,921 to be paid at the time of issuance of each building permit.

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. An adequate public facility schools test will be conducted at the time of subdivision application in accordance with Section 24-122.02 of the Subdivision Regulations.

Water and Sewer: The 2008 *Water and Sewer Plan* placed this property in water and sewer Category 3, Community System.

Environmental Planning: A detailed analysis was done of the subject application's conformance with previous approvals and the Woodland and Wildlife Habitat Conservation Ordinance. Further analysis of the application's conformance with Subtitle 25 and the Countywide Green Infrastructure Plan is as follows:

- a. The TCP1 requires technical revisions to meet the requirements of the Woodland and Wildlife Habitat Conservation Ordinance, approved by the County Council on July 13, 2010 and effective September 1, 2010.

Section 25-122(b)(1)(I) and (J) of the County Code sets the minimum sizes for woodland preservation and afforestation areas. The minimum width for woodland preservation and afforestation areas is 50 feet and the minimum contiguous area is 10,000 square feet. The

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minimum dimensions for landscaped areas are 35 feet wide and 5,000 square feet in area. Landscaped areas must also contain at least 50 percent trees. It appears that there are areas shown on the TCP1 that do not meet these minimum standards. The plans must be revised to meet these minimum standards and all of the design criteria contained in Section 25-122. A complete analysis of the proposed preservation and afforestation areas must be conducted by a qualified professional prior to certification so that the plans can be found to meet the minimum standards of Subtitle 25.

Section 25-122 is silent regarding the required distance between townhouse or multifamily buildings and woodland conservation areas. Section 25-122(b)(1)(O) requires woodland conservation areas to be shown no closer than 20 feet from the sides of all commercial buildings. Unless a justification is provided regarding an alternative placement of utilities and access points to the rears of townhouse lots, a ten-foot-wide access zone must be maintained around all sides and rears of "sticks" of townhouses, or duplexes. This clear access zone should be free of woodland conservation areas or noise mitigation measures that would block access. This cannot be evaluated without building footprints.

Woodland conservation cannot be proposed within the ultimate rights-of-way of public roads or within public utility easements (PUE). Refer to Section 25-122(b)(1)(N) for the restrictions on placing woodland conservation within ultimate rights-of-way and easements, and revise the plans accordingly.

The specimen tree table has been revised in accordance with the condition analysis procedure contained in the Environmental Technical Manual, and the proposed disposition of the specimen trees has been included in the specimen tree table. The table lacks the required note regarding the method of location of the specimen trees (field located or surveyed). On a TCP1, the trees are only required to be field located; however, at time of TCP2 review, the trees must be survey located.

The TCP1 shows master-planned trails as identified in the legend co-located with woodland conservation areas. Revise the TCP1 to eliminate the use of areas within the trail as woodland conservation. The locations of trails will be further evaluated in later development phases.

The approval blocks on each sheet should be revised to include the new TCP nomenclature, TCP1-051-90. The revised TCP1 submitted with the CDP now reflects the required standard symbols, but does not include all pertinent standard notes provided in the Environmental Technical Manual, specifically Notes 7 through 10. Standard sheet layout will not be required with the current TCP1 plan, but must be satisfied with all TCP2 submittals.

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If the design criteria and other requirements of Subtitle 25 have not been shown on the plans to be met in their entirety, or if a specimen tree is proposed to be removed, a variance must be requested for each section of the subtitle that is not being met. One variance application form may be used for all variances to Subtitle 25 being requested. A letter of justification must accompany the variance request that addresses the required findings of Section 25-119(d)(1) of the County Code for each variance type being requested.

With regard to specimen trees, it appears that Specimen Tree No. 3 is proposed to be removed. A variance request is required for the removal of this tree. Due to its location, in the middle of a proposed development area and its stated condition as poor, it is acknowledged that the Planning Board may support a variance for the removal of this tree, but that the variance application should be deferred until application for the associated SDP and TCP2, when the tree will be field surveyed.

- b. The TCP1 shows many afforestation/reforestation areas proposed within the limits of stormwater management easements. The requirements for landscaping of stormwater management ponds are far less stringent than woodland conservation stocking requirements. In addition, planting within the limits of the stormwater management easement is subject to approval of the Department of Public Works and Transportation. In many instances on the TCP1 plans submitted, it appears that planting on the embankment and within the 15-foot-wide clear zone at the bottom of the embankment are proposed.

Woodland conservation areas proposed to be credited within a stormwater management easement require an approved technical stormwater management plan which shows that the planting areas proposed have been approved by DPW&T in the locations, areas, and plant stocking requirements necessary to fulfill the Woodland Conservation Ordinance.

- c. Subtitle 25, Division 3, Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy on properties that require a tree conservation plan or letter of exemption. Properties zoned L-A-C are required to provide a minimum of 15 percent of the gross tract area in tree canopy. The subject application should be able to meet the tree canopy coverage (TCC) requirement by using the woodland conservation area (woodlands within the 100-year floodplain may be counted toward meeting the tree canopy coverage requirement). A TCC schedule shall be placed on the TCP1, and all future TCP2s indicating how the tree canopy coverage for the subject application is being fulfilled.
- d. Mattawoman Drive is a master-planned arterial roadway that carries sufficient traffic to impact the residential uses proposed on the subject application. Residential development located along the east side of Mattawoman Drive must be evaluated in relation to noise impacts. It should be noted that the Subdivision Ordinance requires that residential

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development adjacent to an arterial provide a minimum lot depth of 150 feet, in part to address noise-related concerns.

A Phase I noise study was prepared and submitted for the subject property (The Villages of Timothy Branch Phase I Noise Analysis, prepared by Phoenix Noise and Vibration, LLC, dated April 13, 2010) to evaluate transportation-related noise impacts to proposed residential areas in the L-A-C Zone along the southeast side of Mattawoman Drive.

The conclusion of the noise study (page 14) indicates, in part, that "Residential building structures and outdoor activity areas throughout The Villages of Timothy Branch are exposed to transportation noise levels ranging up to 76 dBA Ldn...Further analysis is required to determine the exact mitigation designs necessary, which may include modifications to proposed building structures, site planning and noise barriers."

Residential structures within the 65 dBA Ldn or higher noise contours will need to address methods to reduce interior noise levels to 45 dBA Ldn or less. Outdoor activity areas should not be placed within any contour of 65 dBA Ldn noise or greater. If they are to be placed within these areas, mitigation will be required. The concept of an alternative layout of uses to move residential uses out of the area of high noise levels is supported.

A preliminary Phase II noise analysis was submitted with the current application (Phoenix Sound and Vibration, LLC; July 13, 2010). The preliminary Phase II noise analysis was conducted to determine the effects of site plan modifications proposed in relation to mitigated noise levels throughout the site.

In the L-A-C Zone, the west side of Mattawoman Drive consists of office and employment uses, which are not generally regulated for noise impacts, although consideration should be given to providing construction/building shells that reduce noise levels for buildings proposed within the 65 dBA Ldn noise contour or higher to provide for comfortable working environments.

The southeast quadrant of the intersection of Mattawoman Drive and Brandywine Road is also proposed for retail/office uses. Again, because of the commercial uses proposed, noise impacts will not be required to be addressed for these structures, but consideration should be given to designing the structures to reduce interior noise levels.

On the east side of Mattawoman Drive, south of the retail/office uses, residential uses are proposed. A proposed outdoor recreation center has been located outside of the 65 dBA Ldn noise contour. Multifamily units are proposed adjacent to Mattawoman Drive and within the 65 dBA Ldn noise contour and higher. As part of the specific design plan for the residential units adjacent to Mattawoman Drive, a Phase II noise study shall be submitted for review. The Phase II noise study shall address how noise impacts to the

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residential units will be mitigated to 45dBA Ldn or less for interiors and 65 dBA Ldn or less for outdoor activity areas.

The approval of architecture at the time of SDP should also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.

- e. Brandywine Road (MD 381) is designated in the Subregion 5 master plan as a historic road. The recently approved master plan for Subregion 5 (2009) retains the collector classification for the portion of the roadway east of Mattawoman Drive, and upgrades the previous industrial roadway west of Mattawoman Drive from a 70-foot-wide right-of-way to an 80-foot-wide collector. Record Plat 181, @ 41 delineates a 30-foot-wide landscape buffer associated with the subject application in the following locations: the south side of Short Cut Road, the south side of Brandywine Road, and the west side of Mattawoman Drive. This 30-foot-wide landscape buffer was required in order to conform to the buffer requirements required by the prior I-3 zoning. However, a landscape buffer of 40 feet is generally required along historic roads. The plan should provide for a 40-foot-wide landscape strip, preferably in preservation, outside of the ultimate right-of-way and of any utility easements. Where existing trees are not present, landscaping should be provided consisting of native trees and shrubs in quantities and sizes as required by the Landscape Manual. If the proposed landscaping is to be counted as woodland conservation, it must meet the minimum size, width, and stocking requirements of Subtitle 25.

The design of the entrance features proposed on either side of Mattawoman Drive should be reviewed at the time of SDP to ensure that the design is in keeping with the desired visual characteristics of the historic road. An integrated overall streetscape treatment along Brandywine Road with regard to signage, materials, and plant species choices, designed to complement the entrance feature and landscape treatment being proposed on the north side of Brandywine Road in conjunction with the Stephen's Crossing development, is desired.

- f. The record plat for the west side of Mattawoman Drive from Brandywine Road to the southern boundary of Parcel E provides a 30-foot-wide landscape buffer, including the public utility easement. This buffer is proposed to be provided on the CDP and TCP1 along an area of existing industrial use, as well as proposed office and retail uses. Provision of the 30-foot-wide landscape strip along both sides of Mattawoman Drive, throughout its length adjacent to the proposed commercial development, is recommended to provide a consistent and attractive streetscape.
- g. Policy 5 in the Environmental Infrastructure chapter of the General Plan calls for the reduction of overall sky glow, minimizing the spill-over of light from one property to the next, and a reduction of glare from light fixtures. This is of particular concern on a mixed-use site such as the subject application, because the residential uses could be directly

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impacted by lighting from the other uses. Lighting is also of particular concern in this location because it is adjacent to environmentally-sensitive areas.

The proposed lighting should use full cut-off optics to ensure that off-site light intrusion into residential and environmentally-sensitive areas is minimized, and so that sky glow does not increase as a result of this development.

The environmental conditions as discussed have been included in this approval.

Zoning Review: Based on Steven Gilbert's memorandum of June 18, 2009, the CDP is generally consistent with the District Council's Order of Approval for A-9988. This memorandum sheds further light on retail and office uses and the amount of square footage approved for these uses.

Prince George's County Fire/EMS Department: In a memorandum dated November 25, 2009, the Prince George's County Fire/EMS Department offered information on required access for fire apparatuses, private road design, and the location and performance of fire hydrants.

The Department of Public Works and Transportation (DPW&T): In a memorandum dated June 22, 2010, DPW&T offered the following comments with respect to DPW&T-maintained roadways:

- a. Proposed Mattawoman Drive, an arterial roadway (A-63), as shown on the area master plan, lies within the proposed subdivision. Right-of-way dedication and roadway improvements for proposed A-63 along the frontage of the property, designed in accordance with DPW&T specifications and standards, are required. Construction of three lanes in each direction and left turning lanes will be required.
- b. All improvements within the public rights-of-way, as dedicated for public use to the county, are to be designed in accordance with the County Road Ordinance, DPW&T specifications and standards, and the Americans with Disabilities Act (ADA).
- c. Full-width, two-inch mill and overlay for all existing county roads as determined by DPW&T is required for Short Cut Road, Mattawoman Drive, and Matapeake Business Drive.
- d. Compliance with DPW&T Utility Policy is required. Proper temporary and final patching and related mill and overlay in accordance with the established DPW&T's Policy and Specification for Utility Installation and Maintenance Permits are required.
- e. Culs-de-sac are required to allow, as a minimum, the turning movement for a standard WB-40 vehicle and a standard length fire truck. When considering the turning movement, it is assumed parking is provided on the outside edge or radius of the cul-de-sac.

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- f. Sidewalks are required along the roadway frontages in accordance with Sections 23-105 and 23-135 of the County Road Ordinance.
- g. Any proposed and/or existing master plan roadways (I-503, F-10, and A-63) and trails that lie within the property limits must be addressed through coordination between The Maryland-National Capital Park and Planning Commission (M-NCPPC), SHA and DPW&T, and may involve rights-of-way reservation, dedication, and/or construction in accordance with DPW&T specifications and standards. All road realignment and vacation must be coordinated with DPW&T.
- h. Adequate sight distance in accordance with The American Association of State Highway Transportation Officials (AASHTO) standards for all proposed access points within the site must be provided. All roadway sections and curves should be designed in accordance with DPW&T standards and specifications. Roundabouts along an arterial road are not acceptable unless warranted. All culverts are to be designed to handle the 100-year frequency storm runoff.
- i. All storm drainage systems and facilities are to be designed in accordance with DPW&T specifications and standards.
- j. Conformance with DPW&T's street tree and lighting specifications and standards is required.
- k. The plan is consistent with approved DPW&T Stormwater Management Concept Plan No. 11355-2009, dated May 29, 2009.
- l. A soil investigation report, which includes subsurface exploration and geotechnical engineering evaluation for public streets and proposed buildings, is required.
- m. DPW&T requirements will be implemented through their separate permitting process.

State Highway Administration (SHA): In a letter dated June 8, 2010, SHA stated that their State Highway Location Reference Guide indicates that MD 5/US 301 and MD 381 (Brandywine Road) are state-owned and maintained roads. Further, they stated that the posted speed limit on MD 5/US 301 is 55 MPH and the annual average daily trip (AADT) volume at this location is 31,960 vehicles per day. The posted speed limit on MD 381 is 30 MPH and the AADT volume at this location is 10,241 vehicles per day. SHA offered the following comments particularly about the subject project:

- a. Access points are proposed from the county master-planned roadways. Any work within the SHA right-of-way will require an access permit, subject to SHA review and approval.

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- b. Review and approval by SHA Highway Hydraulic Division will be required in order to issue an access permit because the plan proposes on-site stormwater management facilities that appear to tie-in or outfall within the SHA right-of-way.
- c. SHA will require dedication of right-of-way per the master plans of Prince George's County.

Additionally, the US 301 Access Management Team of the SHA Office of Planning and Preliminary Engineering commented that the proposed development is impacted by the US 301 Eastern Waldorf Bypass alternative, known as "Timothy Branch Option 4." The full impact of this alternative bypass lies within CDP-0902 in the southern portion of the site and does not affect this comprehensive design plan.

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 APPROVED the Type 1 Tree Conservation Plan (TCP1-151-90-01), and APPROVED Variance Application No. VD-0901, and further APPROVED the Comprehensive Design Plan CDP-0901, The Villages at Timothy Branch for the above described land, subject to the following conditions:

1. All conditions of approval of Basic Plan A-9988 shall remain in full force and effect.
2. The multifamily component of the project shall be developed for active adults in accordance with the Land Use Types table of the basic plan.
3. The proposed mixed-use development on this property shall include a maximum of 100,000 square feet of retail commercial uses, a minimum of 205,000 square feet of office, service commercial, institutional and educational uses, and a minimum of 131 residential units.
4. The total areas within the L-A-C zone (CDP-0901) and the R-M zone (CDP-0902) comprise a combined total trip cap of 1,269 trips in the AM and 1,775 trips in the PM. If the densities of the L-A-C zone or the R-M zone are modified for any reason, trips may be re-allocated between these two zones (CDP-0901 & CDP-0902) such that the overall trip cap of 1,269 AM and 1,775 PM trips is not exceeded.
5. At the time of preliminary plan and SDP, the applicant may increase the residential density beyond the 131 dwelling units shown on the CDP, preferably through the addition of a multistory, mixed-use structure. However, the plans must conform to the maximum development allowed as stated in Condition 4 above. Revisions to the CDP for this purpose will not be required so long as the basic design requirements are adhered to in the proposed layout.

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6. A minimum 50-foot building restriction line (BRL) as measured from the ultimate right-of-way of Mattawoman Drive shall be provided on the Specific Design Plan (SDP) unless it is determined that a lesser BRL provides sufficient area to adequately buffer the dwellings from the roadway.
7. Prior to certificate approval of the comprehensive design plan:
 - a. The TCP1 shall be revised as follows:
 - (1) Show the provision of the total of the woodland conservation threshold for the site plus the portion of the replacement required for clearing below the threshold, as woodland conservation on-site, and add a note indicating that this standard shall be maintained on all future tree conservation plans.
 - (2) Provide a ten-foot-wide clear access zone on the sides and to the rear yards of all townhouse and multifamily units. This clear access zone should be free of woodland conservation areas or noise mitigation measures that would block access.
 - (3) Provide the minimum required widths and areas for preservation and afforestation areas.
 - (4) Meet the requirements of the Environmental Technical Manual with regard to standard notes.
 - (5) Revise the specimen tree table to add a note stating the method of specimen tree location (field or survey located).
 - (6) Eliminate woodland conservation from the proposed ultimate rights-of-way and easements.
 - (7) Eliminate woodland conservation credits from the areas within the trail and the associated clear areas on each side.
 - (8) Revise the approval blocks on all sheets to reflect correct plan numbering nomenclature.
 - (9) Revise the woodland conservation worksheet to reflect all of the revisions included above.
 - (10) Revise the TCP and have it signed and dated by the qualified professional who prepared it.

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- (11) Revise the TCP1 to conform to the ultimate rights-of-way for the CDP as determined by the Transportation Planning Section based on the Subregion 5 master plan. All conditions associated with the rights-of-way assume the ultimate rights-of-way as approved on the CDP.
 - (12) Provide a tree canopy coverage (TCC) requirement schedule on the TCP1 indicating how the TCC requirement has been fulfilled.
- b. The CDP plan and text shall be revised as follows:
- (1) The on-site private recreational facilities list contained in the CDP text and plan shall include a swimming pool and a tot-lot.
 - (2) The community building and swimming pool shall be relocated to either the southern end of the residential use area, adjacent to the existing stormwater management (SWM) pond, or central to the pod of development. A six-foot-wide trail shall be provided around the SWM pond, if possible.
 - (3) Add a note to the plan and text that the residential development will be limited to no more than three different residential unit types, which may include two-family attached (two-over-two), single-family semidetached, single-family attached (townhouse), or multifamily units, in order to create a more cohesive development.
 - (4) The CDP text and plan notes shall be corrected to reflect 131 residential units, a residential density of 4.3 dwelling units per acre, and a commercial floor-to-area ratio of 0.17.
 - (5) Revise the development standard chart in the text and on the plan pursuant to Condition 13.
 - (6) Revise the "Residential Architecture: Design Parameters" within the CDP text as follows:
 - (a) A minimum of 60 percent of all townhouse units shall have a full front façade (excluding gables, bay windows, trim, and doors) and all highly-visible endwalls, which shall be identified at the time of SDP, shall be brick, stone or stucco, or other masonry materials of equivalent quality.
 - (b) Townhouses and single-family semidetached dwellings facing a public street and the side elevation of the same unit facing a public street (corner

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- lots) shall be faced up to 100 percent with high-quality materials such as brick, stone or stucco (excluding gables, bay windows, trim, and doors).
- (c) All residential buildings with front elevations facing Mattawoman Drive shall have a full front façade of brick, stone or stucco (excluding gables, windows, doors, and trim), or other masonry materials of equivalent quality.
 - (d) Front elevations of townhouses and two-family attached units facing Mattawoman Drive shall have dormers or gables to reduce the single plane of roof.
 - (e) Front elevations of townhouse and two-family attached units facing Mattawoman Drive shall be offset by a minimum of two feet.
 - (f) Architecture for multifamily buildings shall be faced with at least 60 percent brick, stone, stucco or equivalent, or other masonry materials of equivalent quality. Elevations of multifamily buildings facing Mattawoman Drive shall be faced with 100 percent brick, stone or stucco (excluding gables, bay windows, trim, and doors), or other masonry materials of equivalent quality.
 - (g) Side and rear walls of all residential buildings shall be articulated with windows, recesses, chimneys, or other architectural treatments. All residential endwalls shall have a minimum of two architectural features, except endwalls in highly visible locations, which shall be identified at the time of SDP, shall have additional architectural features creating a well-balanced composition.
- (7) Revise the "Commercial Architecture: Design Review Parameters" within the CDP text as follows:
- (a) Commercial building elevations shall incorporate a minimum of 60 percent, high-quality building materials which are durable and attractive, such as brick, stone, stucco or other masonry materials of equivalent quality.
 - (b) Architecture of all of the commercial structures shall be cohesively designed, pedestrian oriented, and compatible in scale with the overall design of the Timothy Branch village center.
 - (c) The design of retail buildings of two or more stories, if proposed, should emphasize the division between ground level and upper stories through

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design features such as, but not limited to, aligned windows; awnings, patterned bands, and cornices.

- (d) Drive-through facilities shall be designed with adequate space for queuing lanes that do not conflict with traffic circulation or pedestrian access.
- (e) All building façades facing major roads shall be designed with equal attention to design details and building materials.
- (f) Trash enclosures made of high-quality building materials shall be used to screen trash dumpsters.

- (8) Include the following phasing for the on-site private recreational facilities within the CDP text and plan.

CDP-0901 - PHASING OF AMENITIES		
FACILITY	BOND	FINISH CONSTRUCTION
One gazebo/seating area - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall* residential unit permit
2,500 sq. ft. tot-lot - LAC	Prior to the issuance of any residential unit permit	Complete by 100th overall residential unit permit
Min. 2,200 square-foot Community building and swimming pool - LAC	Prior to the issuance of 200th overall* residential unit permit	Complete by 300th overall residential unit permit
Double Tennis Court - LAC	Prior to the issuance of 200th overall residential unit permit	Complete by 300th overall residential unit permit
Timothy Branch ¹ Stream Valley Trail (approx. 1,800 L.F.) or other recreational trail	Prior to the issuance of any residential unit permit for the adjacent pod	Complete with adjacent pod development

It is occasionally necessary to adjust the precise timing of the construction of recreational facilities as more details concerning grading and construction details become available. Phasing of the recreational facilities may be adjusted by written permission of the Planning Board or its designee under certain circumstances, such as the need to modify construction sequence due to exact location of sediment ponds or utilities, or other engineering necessary. The number of permits allowed to be released prior to construction of any given facility shall not be increased by more than 25 percent, and an adequate number of permits shall be withheld to assure completion of all of the facilities prior to completion of all the dwelling units.

* "Overall" means CDP-0901 (LAC Zone) and CDP-0902 (RM Zone)

¹ Unless the District Council amends the Basic Plan condition requiring the same

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- c. The CDP and the TCP1 shall be revised to show a minimum of a 40-foot-wide scenic easement and landscaped buffer, outside of the ultimate right-of-way and any public utility easements, along the southern frontage of historic Brandywine Road. A reduction in width of the scenic easement may be permitted at the time of SDP if additional design elements are implemented.
8. Prior to the approval of a specific design plan, the following shall be provided:
- a. On both corners at the intersection of Mattawoman Drive and Brandywine Road, landmark buildings shall be provided within the retail/office use areas at the entrance into the development. These buildings shall have a maximum build-to-line of 100 feet from both rights-of-way, be a minimum of 26 feet high, be faced with a minimum of 60 percent brick, stone or stucco, or other masonry materials of equivalent quality, and have enhanced architecture on all building elevations, to include, but not limited to, balanced fenestration, ornamentation, and dimensional articulated roofs. Additionally, both buildings shall include a special architectural feature, such as, but not limited to, a portico, cupola, or belvedere located at the corner of the building closest to the intersection. The area in front of the proposed landmark buildings shall be designed to enhance visual interest provided through variation in building materials and color at the street level, pedestrian-scaled signage, awnings, outdoor seating areas, and high-quality pedestrian amenities. Specific details of the retail façades shall be provided and reviewed with the specific design plan application.
 - b. A cohesive relationship shall be created between the retail, office, and residential components by using similar landscape elements, paving materials, etc. throughout the development. The landscape elements and paving materials shall be reviewed during the specific design plan stage.
 - c. The design of the landscape bufferyard treatment proposed adjacent to the land use envelope for the development pods fronting on Brandywine Road should complement the landscape and buffer treatments proposed on Lots 21 and 22, Stephen's Crossing, located on the north side of Brandywine Road, or any other development thereon approved by the Planning Board, and shall be addressed with the approval of the SDP.
 - d. The architectural design and front setback treatments for any commercial buildings fronting on Mattawoman Drive should be complementary in design and character with the Stephen's Crossing development to the north, unless it can be proven impractical, in order to create a consistent visual appearance along the entire Mattawoman Drive road frontage.
 - e. Location, details, and specifications of the proposed bus stop shelters and associated amenities, as appropriate, shall be submitted for review and approval.

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- f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view and residential areas with materials harmonious to the building, or they shall be located so as not to be visible from any public ways.
- g. Refuse and waste removal areas, service yards, and large loading areas shall be screened from view from public ways and residential areas with masonry screening materials that are harmonious to the nearby buildings.
- h. An employee amenity area shall be provided in association with the office/employment component of the development and shall include seating areas, landscaping, and decorative paving, at a minimum.
- i. No rear elevations of residential buildings shall be oriented toward Mattawoman Drive. Any side elevations of residential buildings oriented toward Mattawoman Drive shall be designed with the same attention to detail as the front elevation.
- j. No rear elevations of commercial buildings shall be oriented toward Brandywine Road or Mattawoman Drive. Any side elevations of commercial buildings oriented toward Brandywine Road or Mattawoman Drive shall be designed with the same attention to detail as the front elevation.
- k. An appropriate landscape bufferyard shall be provided between the commercial and residential uses unless a street is located between them with single-family homes fronting the road. This bufferyard shall be specifically designed to screen and buffer undesirable views and activities, while also creating defined, direct pedestrian circulation between the uses.
- l. Trails shall be shown no less than 20 feet from all private residential lot lines and/or 25 feet from all residential buildings, excluding where trails connect with the internal road network, unless such environmental constraints/impacts exist that make this impractical.
- m. All community and commercial buildings shall have enhanced architectural design, to include, but not limited to, high-quality materials, such as brick, stone and stucco, or other masonry materials of equivalent quality, ornamentation, varying roof lines, and balanced fenestration.
- n. A site development plan for stormwater management that details how the new stormwater management requirements will be met regarding the provision of environmental site design techniques, to the fullest extent practicable, unless other stormwater management design approvals and/or waivers are granted by DPW&T.

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- o. The TCP2 for the subject property demonstrating that the requirements of the Woodland and Wildlife Habitat Conservation Ordinance are provided on-site through preservation or afforestation to the fullest extent possible, consistent with the desired pattern of development and densities indicated in the General Plan. If off-site mitigation is required, it shall be provided within the Mattawoman watershed.
- p. A variance for the removal of Specimen Tree No. 3 shall be applied for and approved with the appropriate SDP application and associated TCP2.
- q. The use of full cut-off optics to ensure that light intrusion into residential and environmentally-sensitive areas is minimized. At the time of SDP, details of all lighting fixtures shall be submitted for review along with certification that the proposed fixtures are full cut-off optics and a photometric plan showing proposed light levels. The following note shall be placed on all future SDPs:

“All lighting shall use full cut-off optics and be directed downward to reduce glare and light spill-over.”
- r. A tree canopy coverage (TCC) schedule on the SDPs and associated TCP2s indicating how the TCC requirements have been fulfilled for the subject application.
- s. A Phase II noise study for any residential units along Mattawoman Drive shall be submitted for review. The Phase II noise study shall address how noise impacts to the residential units will be mitigated to provide interior noise levels of 45 dBA Ldn or less and exterior noise levels of 65 dBA Ldn or less within outdoor activity areas based on the final site design. The approval of architecture at the time of SDP shall also demonstrate how the proposed structures are in conformance with the noise mitigation measures recommended in the Phase II noise report for interior residential uses.
- t. Buildings compatible in terms of exterior materials and colors, scale and massing, and style.
- u. Eating and drinking establishments with drive-through service and gas stations, if any, shall be designed so that the drive-through area and gas pumps are located behind the building, not directly adjacent to the street, and do not impede pedestrian circulation.
- v. A 30-foot landscape buffer, inclusive of any public utility easement, between the right-of-way of Mattawoman Drive and any commercial development.
- w. The residential development shall be designed to minimize the use of public streets ending in cul-de-sacs in order to promote vehicular circulation.

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9. At the time of the first SDP for any office or retail/commercial use, an overall cohesive signage plan for all of the retail and office uses within CDP-0901 shall be submitted for review. This plan shall include unifying design standards, including, but not limited to, signage amount, size, location, color, purpose, and style for all freestanding and building-mounted signage.
10. Prior to acceptance of an SDP, a plan and proposal for the type, location, and timing of any required PMA mitigation, associated with the SDP, shall be submitted.
11. Prior to approval of any TCP2 which proposes to credit as woodland conservation planting occurring within a stormwater management easement, a site development stormwater management plan shall be submitted to the Prince George's County Planning Department which indicates that the planting areas proposed have been reviewed by the Department of Public Works and Transportation (DPW&T) with regard to the location, size, and plant stocking proposed. No afforestation or preservation areas should be shown within 15 feet of the toe of the pond embankment, or as determined by DPW&T or the Soil Conservation District reviewers.
12. Construction/building shells for all office buildings, fronting on Mattawoman Drive, proposed within the 65dBA LDN noise contour or higher, should be designed to reduce noise levels.
13. The following standards shall apply to the development. (Modifications to the standards may be permitted on a lot-by-lot basis by the Planning Board at the time of specific design plan if circumstances warrant.)

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RESIDENTIAL USES—L-A-C ZONE¹

	Two-family attached	Single-family semidetached ^{8,9}	Single-family attached ^{3,8,9}	Active-Adult Multifamily ⁴
Minimum Net Lot Area	N/A	3,600 sq. ft.	1,800 sq. ft.	N/A
Minimum frontage at street R.O.W	N/A	36 feet	20 feet	N/A
Minimum frontage at Front B.R.L.	N/A	36 feet	20 feet	N/A
Minimum frontage – corner lot	N/A	40 feet	30 feet	N/A
Maximum Lot Coverage (%)	35 ¹⁰	35	35 ¹⁰	50 ¹⁰
Minimum building setback from Mattawoman Drive ¹¹	50 feet	50 feet	50 feet	50 feet
Minimum front setback ⁵	N/A	20 feet	3, 6	7
Minimum side setback ⁵	N/A	10 feet	6	7
Minimum rear setback ⁵	N/A	20 feet	6	7
Minimum side setback to street ⁵	N/A	20 feet	6	7
Maximum residential building height ¹²	55 feet	45 feet	45 feet	80 feet
Maximum percentage of total units	N/A	N/A	40	45.8 ²

¹ All parking is governed by Part 11 of the Zoning Ordinance.

² Variance approved from the maximum multifamily dwelling unit percentage, which allows a maximum 30 percent of multifamily dwelling units in the L-A-C Zone.

³ Applies to both front and rear loaded garage townhouses. Rear-load garage townhomes shall have a minimum 30-foot front yard setback in order to reduce the length of the driveway.

⁴ To be developed as condominiums and as an active adult community, per A-9988.

⁵ Stoops and/or steps may encroach into yard area.

⁶ Minimum yard area of 800 square feet to be allocated for front, side, or rear yard. May be reduced to 500 square feet for providing stoops, steps, and terraces which may project into yard area. Decks may project into rear yards only.

⁷ For multifamily buildings, the minimum building setback along a street shall be 25 feet, except for Mattawoman Drive, which requires a 50-foot setback.

⁸ Fences and retaining walls up to six feet high may be constructed anywhere in a rear yard without meeting setback requirements.

⁹ Fences in the front yard shall not be more than four feet high.

¹⁰ This percentage is for building coverage (and not for lot coverage) of the overall net tract area.

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- 11 At the time of SDP, these distances may be modified if it is determined by the Planning Board, that adequate measures are provided to protect all residential buildings from the traffic nuisances of Mattawoman Drive.
- 12 These height limits may be increased if a variance and/or modification is granted by the Planning Board at the time of SDP.

ACCESSORY BUILDINGS—L-A-C ZONE

Maximum Lot Coverage (%)	25
Minimum setback from front street line	60 feet
Minimum setback from side lot line	2 feet
Minimum setback from rear lot line	2 feet
Corner lot - Minimum setback from side street line (along which an abutting lot fronts)	10 feet
Corner lot - Minimum setback from side street line (along which an abutting lot does not front)	7 feet
Maximum building height above grade	15 feet

Note: No accessory building shall be located closer to the street line than the main building on the lot or parcel.

COMMERCIAL USES—L-A-C ZONE

	Commercial Office	Commercial Retail	Employment/ Flex Space
Minimum Net Lot Area	N/A	N/A	N/A
Minimum frontage at street R.O.W.	N/A	N/A	N/A
Minimum frontage at Front B.R.L.	N/A	N/A	N/A
Maximum Lot Coverage (%)	N/A	N/A	N/A
Maximum Build-to-Line along Mattawoman Drive	100 feet	100 feet	100 feet
Minimum front setback from R.O.W.	30 feet	30 feet	30 feet
Minimum side setback	30 feet	30 feet	30 feet
Minimum rear setback	30 feet	30 feet	30 feet
Maximum building height	N/A	N/A	N/A
Minimum parking spaces	As required by Part 11 of the Zoning		

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- ~~*[14. The applicant and the applicant's heirs, successors, and/or assignees shall provide off-site public recreational facilities at the Brandywine Area Community Park in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.~~
- ~~*[15. Prior to issuance of 50 percent of the residential building permits within CDP-0901 and CDP-0902, including all single-family and multifamily units, the applicant shall construct Phase 1 recreational facilities at the Brandywine Area Community Park as conceptually shown on Exhibit B which includes the following:~~
- ~~a. ——— softball field~~
 - ~~b. ——— soccer field~~
 - ~~c. ——— 65 space parking lot~~
 - ~~d. ——— access road from Missouri Avenue~~
- ~~*[16. Prior to issuance of 20 percent of the residential building permits within CDP-0901 and CDP-0902, including all single-family and multifamily units, the applicant shall provide to DPR, for review and approval, construction drawings and specifications for the construction of the Phase 1 recreational facilities and related stormwater management facilities in Brandywine Area Community Park.~~
- ~~*[17. The applicant shall be responsible for any costs associated with the environmental, archeological and/or geotechnical studies, and permit fees associated with the design and construction of the Phase 1 recreational facilities in Brandywine Area Community Park.~~
- ~~*[18. The applicant shall construct any stormwater management facilities on parkland needed for Phase 1 recreational facilities in Brandywine Area Community Park.~~
- ~~*[19. The applicant shall be responsible for woodland conservation requirements for the construction of Phase 1 recreational facilities in Brandywine Area Community Park, which shall be provided on-site and/or off-site on parkland owned by M-NCPPC.~~
- ~~*[20. The applicant shall submit three original executed public recreational facilities agreements (RFA) for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park to DPR for their approval three weeks prior to submission of a final plat. Upon approval by DPR, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.~~
- ~~*[21. Submission to DPR of a performance bond, letter of credit, or other suitable financial guarantees for the construction of Phase 1 recreational facilities in the Brandywine Area Community Park, in an amount to be determined by DPR, shall be done at least two weeks prior to applying for any building permits.]~~

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- *14. Prior to approval of building permits by M-NCPPC for 50 percent of the residential dwelling units within CDP-0901 and CDP-0902, the applicant shall make a monetary contribution in the amount of \$700,000.00 in 2015 dollars to The Maryland-National Capital Park and Planning Commission (M-NCPPC). M-NCPPC shall adjust the amount of the contribution using the Consumer Price Index (CPI) for inflation at the time of payment. The funds shall be used for the construction of recreational facilities in the Brandywine Area Community Park (M-NCPPC), as determined by the Prince George's County Department of Parks and Recreation (DPR), to complement the facilities being provided at the Southern Area Aquatic and Recreational Complex.
- *[22]15. The applicant and the applicant's heirs, successors, and/or assignees shall provide adequate, private recreational facilities on-site in accordance with the standards outlined in the Parks and Recreation Facilities Guidelines.
- *[23]16. The private recreational facilities shall be reviewed by the Urban Design Section as designee of the Planning Board for adequacy, conformance to the *Park and Recreation Facilities Guidelines*, and location during the specific design plan review.
- *[24]17. The applicant shall submit three original executed private recreational facilities agreements (RFA) for the private recreational facilities on-site to DRD for their approval three weeks prior to submission of a final plat. Upon approval by DRD, the RFA shall be recorded among the land records of Prince George's County, Upper Marlboro, Maryland.
- *[25]18. Submission to DRD of a performance bond, letter of credit, or other suitable financial guarantee for the construction of private recreational facilities, in an amount to be determined by DRD, shall be done at least two weeks prior to applying for any building permits unless stated otherwise in Condition 7.b.(8).
- *[26]19. The developer and his heirs, successors, and/or assignees shall satisfy the Planning Board that there are adequate provisions to assure retention and future maintenance of the proposed private recreational facilities.
- *[27]20. The applicant shall provide an eight-foot-wide, concrete side path in the right-of-way along the subject site's entire frontage of Brandywine Road (MD 381), subject to SHA approval and in accordance with SHA standards and subject to AASHTO guidance.
- *[28]21. The applicant shall provide sufficient dedication on the preliminary plan along Brandywine Road for on-road bike lanes in accordance with SHA standards and AASHTO guidance.

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- *[29]22. Provide at least six-foot-wide sidewalks where parking abuts a sidewalk, and at least five-foot-wide sidewalks around the public areas of the buildings in the commercial center area, and provide crosswalks from the residential areas to the commercial areas.
- *[30]23. Provide an eight-foot-wide, concrete hiker/biker trail on the east side of Mattawoman Drive (A-63) along the subject site's entire frontage between Brandywine Road and the southern property line in accordance with DPW&T standards for a concrete hiker/biker trail within an urban right-of-way (DPW&T Standard 100.18). The hiker/biker trail shall be connected to the Timothy Branch trail, if required, via an alternate configuration (DPW&T Standard 100.06) to accommodate two five-foot-wide bike lanes within the travel lanes of the primary street located between the commercial and residential development, with directional signage to the Timothy Branch trail. A five-foot-wide sidewalk shall also be provided on the west side of Mattawoman Drive. All hiker/biker trail locations, materials, signs, and other details shall be shown on the applicable specific design plan. Both the hiker/biker trail and the sidewalk shall be provided within the public right-of-way.
- *[31]24. At the time of SDP, the plans shall identify the location of median refuge islands along Mattawoman Drive, per DPW&T standards and with AASHTO guidance.
- *[32]25. Provide four-foot-wide sidewalks along both sides of all internal residential roads (excluding alleys).
- *[33]26. Indicate on the specific design plan the width of all of the on-road and off-road bikeways, sidewalks, and trails.
- *[34]27. At the time of specific design plan review, provide cross section details of the proposed sidewalks, on-road bike lanes, shared-use roads, and trails per SHA and DPW&T standards where applicable.
- *[35]28. Provide a master plan hiker/biker/equestrian trail (the Timothy Branch trail) along the subject site's entire segment of the Timothy Branch stream valley, unless the District Council amends the Basic Plan condition requiring the same.
- *[36]29. Any trail connectors on homeowners association land to the Timothy Branch trail, if required, shall be six feet wide and asphalt.
- *[37]30. Provide details of the way finding and trail signage in accordance with AASHTO guidance at the time of specific design plan review including the location of signage. This signage can be tailored to the development and provide way finding to the commercial areas or nearby destinations. At a minimum, way finding signage should indicate the

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direction of the Brandywine Area Community Park to the north of the subject site and the Rose Creek Connector trail to the south of the site.

- *[38]31. Show bicycle parking spaces on the specific design plan at the recreational facilities and in the commercial areas. These spaces should be located near the front entrances to the buildings and have access to bikeway and trail facilities.
- *[39]32. At the time of specific design plan, trail access points shall be designed to ensure that off-road motorized vehicles do not use trails except for maintenance and emergency purposes or wheelchair access. Details of bollards and/or other appropriate structures shall be provided for review.
- *[40]33. Provide a trail construction sequence plan with each of the specific design plans so that staff can evaluate the timing of the construction of the trails.
- *[41]34. At the time of preliminary plan approval, the plan shall reflect the following rights-of-way:
- a. A 120-foot right-of-way along A-63, Mattawoman Drive, from north to south through the subject property.
 - b. A right-of-way of 40 feet from centerline along C-613, MD 381, along the site's entire frontage.
- *[42]35. The applicant and the applicant's heirs, successors, and/or assignees shall contribute toward and participate in the construction of certain additional off-site transportation improvements as identified hereinafter. These improvements shall be funded and constructed through the formation of a road club that will include the applicant, the Montgomery Ward's Brandywine Distribution Center, the Brandywine Commerce Center, the Mattawoman-Brandywine Commerce Center, the Brandywine Business Park, the Brandywine/301 Industrial Park, the Hampton CDZ, and other property owners in the area designated as Employment Area C in the Subregion 5 master plan, as well as any properties along US 301/MD 5 between T.B. (the intersection of US 301 and MD 5 in Prince George's County) and Mattawoman Creek, and any other properties for which participation is deemed necessary by the Planning Board. For development on the subject property, the applicant's sole funding responsibility toward the construction of these off-site transportation improvements shall be payment of the following:

For commercial buildings, a fee calculated as \$1.41 per gross square foot of space X (Engineering News-Record Highway Construction Cost index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

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For each townhouse, duplex, two over two unit, a fee calculated as \$1,187 X (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

For each multi-family unit, a fee calculated as \$886 X (Engineering News-Record Highway Construction Cost Index at time of payment) / (Engineering News-Record Highway Construction Cost Index for first quarter, 1993).

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

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

- a. Widen US 301/MD 5 from a four-lane road to a six-lane road beginning at Timothy Branch (north of Cedarville Road) and extending northerly to the US 301/MD 5 interchange (at T.B.). Construction shall be in accordance with presently approved SHA plans.
- b. Install a traffic signal at the A-63/Cedarville Road intersection, provided said signal is deemed warranted by DPW&T.
- c. Make minor widening/striping improvements to the US 301/MD 5 interchange ramps.
- d. Widen US 301 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of MD 381.
- e. Reconstruct the traffic signal at US 301/MD 381.
- f. Install a traffic signal at the MD 381/A-63 intersection, provided said signal is deemed warranted by DPW&T and SHA.
- g. Provide a grade separation at the point where the spine road crosses US 301 northeast of T.B.

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- h. Reconstruct the traffic signal at MD 5/Brandywine Road.
- i. Construction of an interchange in the area of US 301/MD 5 and Cedarville/McKendree Roads.
- j. Construction of an interchange in the area of MD 5 and A-63 north of T.B.
- k. Construction of A-63 as a six-lane arterial roadway (where off-site) between the US 301/MD 5/Cedarville Rd./McKendree Road intersection and MD 5 north of T.B.
- l. Widen US 301/MD 5 from a six-lane road to an eight-lane road beginning at the T.B. interchange (US 301/MD 5) and extending southerly to Mattawoman Creek.
- m. Widen MD 5 from a four-lane road to a six-lane road beginning at the T.B. interchange (US 301/MD 5) and extending northerly to a point approximately 2,500 feet north of the planned intersection with A-63.

*[43]36. The applicant and/or the applicant's heirs, successors and/or assignees shall provide the following transportation improvements as proffered in the July 2009 traffic impact study.

- a. A third northbound through lane along US 301 through the MD 381 and the Mattawoman Drive intersections, beginning approximately 1,000 feet south of MD 381 and continuing approximately 2,500 feet north of MD 381. The elimination of left turns at the US 301/MD 381 intersection coincident with the construction of a northbound left-turn lane along US 301 at Mattawoman Drive shall be constructed by the applicant if required by SHA.
- b. A northbound left-turn lane along US 301 at Mattawoman Drive, subject to SHA approval.
- c. The signalization of the MD 381/Mattawoman Drive intersection, along with the addition of a westbound left-turn lane along MD 381 at Mattawoman Drive.
- d. The extension of Mattawoman Drive, south of the subject property to connect to Matapeake Business Drive.

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*[44]37. Applications for building permits for residential uses within the 65 dBA Ldn noise contour shall contain a certification, to be submitted to M-NCPPC, prepared by a professional engineer with competency in acoustical analysis using the certification template. The certification shall state that the interior noise levels have been reduced through the proposed building materials to 45 dBA Ldn or less:

*[45]38. At the time of SDP review, the applicant may redesign the residential pod to include the relocation of the multifamily units, townhouse units, two-over-two units, and the recreational facility.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

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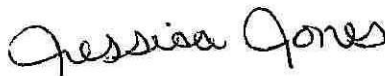
This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, October 7, 2010, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 28th day of October 2010.

*This is to certify that the foregoing is a true and correct copy of the reconsideration 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 Bailey, with Commissioners Washington, Bailey, Geraldo and Hewlett voting in favor of the motion, and with Commissioner Shoaff absent at its regular meeting held on Thursday, March 19, 2015, in Upper Marlboro, Maryland. The adoption of this amended resolution based on the reconsideration action taken does not extend the validity period.

*Adopted by the Prince George's County Planning Board this 19th day of March 2015.

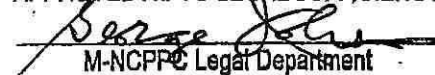
Patricia Colihan Barney
Executive Director



By Jessica Jones
Acting Planning Board Administrator

PCB:JJ:WC:arj

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC Legal Department

Date 3/23/15

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