

R E S O L U T I O N

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

WHEREAS, in consideration of evidence presented at a public hearing on November 14, 2019, regarding Comprehensive Design Plan CDP-1201-01 for Brandywine Village, the Planning Board finds:

1. **Request:** The application is a request for an increase of 2,000 square feet from the previously approved 218,500 square feet of commercial/retail space, to a total of 220,500 square feet, and to add a new location of a commercial building.

2. **Development Data Summary:**

	PREVIOUSLY APPROVED	APPROVED
Zone	L-A-C	L-A-C
Use(s)	Residential, Retail/Office	Residential, Retail/Office
Acreage	44.33	44.33
of which Residential Section	20.28	20.28
Commercial Section	24.05	24.05
Commercial/Retail Uses (GFA in square feet)	218,500	220,500

3. **Location:** The subject property is located in the northwest quadrant of the intersection of US 301 (Robert Crain Highway) and Chadds Ford Drive, east of General Lafayette Boulevard. The property is also in Planning Area 85A, and Council District 9.
4. **Surrounding Uses:** The site is bounded to the north by undeveloped land in the Mixed Use-Transportation Oriented (M-X-T) Zone and a master plan arterial roadway, A-55; to the east, by the right-of-way of US 301, and the Brandywine Shopping Center in the Commercial Shopping Center (C-S-C) Zone beyond; to the south by the right-of-way of Chadds Ford Drive, beyond which are properties in the Residential Medium Development (R-M) and the Local Activity Center (L-A-C) Zones; and to the west by the right-of-way of General Lafayette Boulevard, beyond which are single-family subdivisions in the R-M Zone, developed with townhouses and single-family detached houses.
5. **Previous Approvals:** The subject property was originally part of a larger development known as Mattawoman, which consisted of a total land area of 277 acres. On November 29, 1977, the Prince George's County District Council adopted County Council Resolution CR-108-1977 for the entire 277-acre Mattawoman property, placing 212 acres in the Major Activity Center

(M-A-C) Zone and 65 acres in the R-M Zone (A-8865). In 1987, a zoning map amendment was filed to rezone the 212-acre M-A-C-zoned portion, but it was unsuccessful. In 1992, another application (A-9878) was filed to rezone the 212 acres in the M-A-C Zone. The property, now referred to as Brandywine Village, was rezoned on September 14, 1993 by the *Approved Master Plan and Sectional Map Amendment for Subregion V, Planning Areas 81A, 81B, 83, 84, 85A, 85B*. Of the 212 acres, 46 acres were zoned Employment and Institutional Area (E-I-A), 16.4 acres were zoned L-A-C, and 149 acres were zoned R-M (via CR-60-1993). The property subject to this application was in the E-I-A Zone, although portions were placed in the R-M and L-A-C Zones, based upon proposed road networks that were later revised. A comprehensive design plan was approved in January 1993, for 65 acres in the R-M Zone for 316 dwelling units. This section was located on McKendree Road and retained the name of Brandywine Village, and is not adjacent to the subject property.

On February 20, 1997, the Planning Board approved Preliminary Plan of Subdivision (PPS) 4-96083 to dedicate Chadds Ford Drive and General Lafayette Boulevard (adjacent to the property) to public use. CDP-0102 was approved by the Planning Board for the entire 212-acre parcel on October 11, 2001 (PGCPB Resolution No. 01-186). This CDP predominantly focused on the residential development in the R-M Zone and the remaining acreage, including the property included in this application, was intended for future development.

On January 12, 2009, the District Council approved Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C to rezone the property, consisting of two distinct parts, from the E-I-A, R-M, and L-A-C Zones to the L-A-C Zone, subject to the conditions and considerations contained therein. With the approval of the two zoning map amendments covering the two parts of the subject site, previous approved zoning map amendments and CDPs are no longer valid.

CDP-1201 was filed, in accordance with the requirements of the comprehensive design zones and approved by the Planning Board on June 20, 2013. PPS 4-12007 was also approved on June 20, 2013, and covered both the residential and commercial sections of the development concept.

On March 6, 2014, the Planning Board approved Specific Design Plan SDP-1303 for development of 188 townhouse units for the eastern residential section, which has been fully developed.

6. **Design Features:** The subject larger property of 44.33 acres is a linear land tract between the rights-of-way of US 301 and General Lafayette Boulevard. An unnamed stream, parallel to US 301, bisects the property into two distinct parts. The eastern portion of the site fronting US 301 has approximately 24.5 acres to be developed with commercial uses; the western portion of the site fronting General Lafayette Boulevard has approximately 20.28 acres and has been fully developed with a 188-unit townhouse subdivision. The eastern section also includes approximately 10.13 acres of land in the 100-year floodplain.

The eastern commercial section of the development, which is the subject of this CDP amendment, proposes a main access drive off Chadds Ford Drive to the south and a second right-in/right-out access off US 301. A future access to the site will be from the north of the site, where a future master plan arterial roadway (A-55) will be located on the adjacent property. An internal roadway parallel to US 301 provides on-site circulation. A medical office building, general office building, and three commercial/retail pad sites, surrounded by surface parking lots, will occupy the site in a linear order oriented toward US 301. This is an amendment to the original CDP, which only proposed four commercial buildings.

Design Standards: The Zoning Ordinance requires that, through approval of a CDP, the standards for building height, open space, public improvements, and other design features for the proposed development will be established in any CDZ.

Design standards for both residential and commercial development were established previously at the time of CDP-1201 approval. The residential section has been fully developed, and this CDP is limited to the increase of commercial/retail space by 2,000 square feet with a few changes to the previously approved design standards for the commercial section, including three minor amendments to building materials, and signage in the CDP text. The Planning Board found that the revised standards are consistent with the surrounding development and are acceptable. The applicant also agrees to locate any drive-through facilities serving the commercial/retail buildings to the rear of the buildings or located to the side of the buildings if the drive-through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage. A condition regarding the location of the drive-through facility has been included in this resolution. The remainder of the previously approved standards and guidelines governing the commercial section are still valid and applicable.

COMPLIANCE WITH EVALUATION CRITERIA

7. **Zoning Map Amendments (Basic Plans) A-9996-C and A-9997-C:** The District Council approved Basic Plan A-9996-C, which rezoned approximately 20.28 acres of land in the E-I-A, L-A-C, and R-M Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with six conditions and two considerations. Conformance with Basic Plan A-9996-C was determined in the approval of CDP-1201. The residential section under this basic plan has been fully constructed. The current amendment to the CDP does not have any impact on the residential section.

The District Council approved Basic Plan A-9997-C, which rezoned approximately 24.05 acres of land in the E-I-A and L-A-C Zones, located in the northwest quadrant of the intersection of US 301 and Chadds Ford Drive, to the L-A-C Zone, with seven conditions and two considerations. Conformance with Basic Plan A-9997-C was determined in the approval of CDP-1201. One condition is relevant to this CDP amendment, as follows:

1. Land Use Types and Quantities:

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

GROSS TRACT:	24.05 acres
FLOODPLAIN:	10.91 acres
NET TRACT AREA	13.14 acres
Base intensity of zone 24.05 acres at 0.16 FAR:	167,619 sq. ft.
Maximum intensity 24.05 acres at 0.31 FAR:	324,761 sq. ft.

This CDP amendment adds an additional 2,000 square feet to the previously approved 218,500 square feet of commercial/retail space, for a total of 220,500 square feet. This increased area is still within the approved development limits for the commercial section. This CDP conforms to the governing Basic Plan A-9997-C.

8. Prince George's County Zoning Ordinance: As one of the CDZs, the L-A-C Zone allows the applicant to establish its own design standards and to earn additional density if certain criteria have been met in the development review process, subject to Planning Board approval.

- a. **Density Increments:** Section 27-496(b) of the Zoning Ordinance provides guidelines and criteria for calculating density increases for the L-A-C Zone. Density and design criteria for the residential and commercial portions of this development were established in the approval of CDP-1201.

At time of CDP-1201 approval, the Planning Board found that the applicant qualified for density increments of up to 45 percent, or a total of 243,048 square feet. Based on the then-applicant's request, the Planning Board approved a total of 218,500 square feet for the development. This amendment requests an additional 2,000 square feet of commercial space, which is within the established density range. The Planning Board concluded that the proposed commercial square footage is still within the approved development trip caps for this site.

- b. **Development Standards:** A comprehensive set of development standards was previously adopted through CDP-1201, for both the residential and commercial sections. The design standards consist of two parts: zoning indicators, such as lot size and setbacks, as well as architecture design guidelines governing the design and materials of residential and commercial buildings and signage. All previously approved development standards in CDP-1201 remain applicable, except for the location of drive-through

facilities and a few minor amendments to building materials and signage, as stated in the CDP text, which have been discussed above.

- c. Section 27-521(a) of the Zoning Ordinance includes the following required findings for approval of a CDP:

- (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;**

There are two basic plans approved, one each for the residential and commercial sections. Basic Plan A-9996-C covers the residential section, which has been fully constructed. The subject CDP is in conformance with Basic Plan A-9997-C for the commercial section.

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

The CDZs provide much greater flexibility in design. Compared with regulations in conventional zones, this development will achieve more green open spaces and amenities that contribute to a better built environment.

- (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 subject CDP is composed of two distinct sections that provide residential and commercial uses under the L-A-C zoning designation. One of the purposes of the L-A-C Zone is to encourage and stimulate a balanced development that groups uses for the convenience of the populations they serve. In order to achieve that purpose, the plan has to include sufficient design elements, facilities, and amenities. In this CDP, two distinct sections have been shown, and each includes trails, sidewalks, and sitting areas around the stormwater management ponds. The residential section has been fully developed with all approved amenities and facilities, in accordance with SDP-1303. The commercial section, with this revision to increase the total commercial/retail space by 2,000 square feet, coupled with the amenities and facilities in the vicinity of the site, meets this requirement.

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

The site is bounded to the north by undeveloped land in the M-X-T Zone; to the east by the right-of-way of US 301, and beyond by the Brandywine Shopping Center in the C-S-C Zone; to the south by the right-of-way of Chadds Ford Drive, and beyond by properties in the R-M and L-A-C Zones; to the east by the right-of-way of General Lafayette Boulevard, and beyond by subdivisions in the R-M Zone. The site is part of a larger community known as Brandywine Village. The residential section has been fully constructed and is located across the street from the existing townhouses and single-family detached houses, and the commercial section is fronting on US 301. There is a stream that bisects the two sections. The proposed development will be compatible to these immediate surroundings.

(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;

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

(C) Circulation access points;

The two sections in this CDP are completely separated by the existing stream. There is a pedestrian crossing in the middle of the site that will connect the residential and commercial sections. Additional sidewalks and stream valley trails will provide extra ties between the two sections. Within the residential section, 188 townhouse units have been completely constructed, along with on-street parking, open space, a playground, and sidewalks. Five building footprints are shown in the commercial section, along with parking lots, sidewalks along the spine road, and other pedestrian connections. Sufficient open space and building setbacks have been provided. The commercial section has two access points: one proposed right-in/right-out from US 301, and one complete access point from Chadds Ford Drive. Space has been preserved for a third possible connection to the north of the commercial section. The residential section has three access points from General Lafayette Boulevard. Adequate access points have been provided for each section.

(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 residential portion of the development has been fully constructed and commercial development will be the next phase of the development. The CDP amendment does not change the previous conformance to this requirement.

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

Given the moderate scale of the proposed development within each section, the development of the commercial section will not be an unreasonable burden on available public facilities. As previously noted, the roadways surrounding the subject site including US 301, Chadds Ford Drive, and General Lafayette Boulevard are all improved. Critical infrastructure supporting this last phase of the development has been put in place.

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

- (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 CDP does not involve any adaptive uses. This requirement is not applicable to this application.

(9) The Plan incorporates the applicable design guidelines set forth in Section 27-274 of Part 3, Division 9, of this Subtitle, and 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); and

The plan is consistent with this requirement by incorporating the applicable site design guidelines in the development standards for both the residential and commercial sections, as previously approved in CDP-1201. Specifically, the development standards incorporate the applicable design guidelines dealing with parking, loading and site circulation, lighting, views, green open space, site and streetscape amenities, grading, and public spaces that will govern the commercial section development.

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

The development was found to be in conformance with Type 1 Tree Conservation Plan TCP1-009-12 at the time of approval of CDP-1201. This amendment has no impact on the previous findings regarding the tree conservation plan.

(11) The Plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible in accordance with the requirement of Subtitle 24-130-(b)(5);

This application does not change the previous findings regarding this requirement.

(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) of the Zoning Ordinance is the District Council procedure for approving a CDZ application as part of a sectional map amendment. This provision is not applicable to the subject application because the property was rezoned to the CDZ through two basic plan applications, not through 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.

This provision is not applicable to the subject application because Brandywine Village is not a regional urban community.

9. **Comprehensive Design Plan CDP-1201:** This application is limited to the addition of 2,000 square feet of commercial/retail space to the 218,500 square feet previously approved with CDP-1201. As discussed above, this increase of the gross floor area is still within the development limits as approved in A-9997-C. All previous findings and conditions, except for those modified in this application, are still valid and govern the development of the commercial section under this application. Consistent with the recommendations of A-9997-C, Condition 7, the location of the vehicular connection to the north must be conceptually located to feasibly connect to the master plan alignment of A-55. The location currently reflected on the CDP may preclude the connection due to the close proximity to the A-55 ramp over US 301. To ensure the possible connection, the CDP plan must reflect an additional potential location to the north on the western side of the northern most building pad site, along the eastern side of the environmental features, prior to certificate approval. This condition will be further reviewed at the time of SDP.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance:** Since this application is limited to the addition of 2,000 square feet of proposed gross floor area, there is no impact on previous findings regarding the site's conformance with the requirements of both the Woodland and Wildlife Habitat Conservation Ordinance and the Tree Canopy Coverage Ordinance.
11. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are included herein by reference, and major findings are summarized, as follows:
 - a. **Community Planning**—The Planning Board reviewed a memorandum dated October 8, 2019 (Greene to Bossi), which noted that the application conforms to the approved basic plans. The 2013 *Approved Subregion 5 Master Plan and Sectional Map Amendment* retained the subject property in the L-A-C Zone.
 - b. **Transportation Planning**—The Planning Board reviewed a memorandum dated October 10, 2019 (Masog to Zhang), which provided a comprehensive review of the background and prior approvals governing this application and concluded that the addition of 2,000 square feet of commercial/retail space has no additional traffic impact. The four transportation-related conditions included in PGCPB Resolution No. 13-58, approving CDP-1201, are still valid and govern the development of the commercial section.
 - c. **Environmental Planning**—The Planning Board reviewed a memorandum dated October 15, 2019 (Finch to Zhang), which provided a comprehensive analysis of the development's conformance with all applicable environmental regulations and prior approvals. The Planning Board concluded that this CDP conforms to the governing basic plans and preserves and/or restores the regulated environmental features within the development envelope on the subject site to the fullest extent possible.
 - d. **Trails**—The Planning Board reviewed a memorandum dated October 9, 2019 (Shaffer to Bossi), which provided an analysis of prior conditions and approved this CDP with one condition regarding a connector trail between the residential and commercial sections that was included in the approval of PPS 4-12007. The conditions will be enforced at the time of SDP and final plat.
 - e. **Special Projects**—The Planning Board reviewed a memorandum dated October 10, 2019 (Hancock to Zhang), which found that prior findings for public facility adequacy still remain valid.
 - f. **Subdivision and Zoning**—The Planning Board reviewed a memorandum dated October 14, 2019 (Simon to Zhang), which noted that this CDP conforms to A-9997-C.

- g. **Prince George’s County Department of Parks and Recreation (DPR)**—In a memorandum dated September 4, 2019 (Sun to Bossi), DPR indicated they have no comment on the proposal, as it contains no change to the residential component and no impacts to proposed or existing parkland.
- h. **The Maryland State Highway Administration (SHA)**—SHA did not respond to the referral request.
- i. **Prince George’s County Health Department**—In a memorandum dated September 12, 2019 (Adepoju to Bossi), the Health Department provided six comments regarding location of grocery and food stores within the vicinity of the site, air pollution related to traffic, pedestrian access to the site, impervious surface and mitigation of possible noise, and dust pollution during construction. Those comments have been transmitted to the applicant. Two comments regarding noise and dust mitigation will be noted on the SDP.
- j. **Prince George’s County Police Department**—The Police Department did not respond to the referral request.
- k. **Department of Permitting, Inspections and Enforcement (DPIE)**—DPIE did not respond to the referral request.

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 Comprehensive Design Plan CDP-1201-01 for the above described land, subject to the following conditions:

- 1. Prior to certificate approval of this comprehensive design plan, the applicant shall:
 - a. Provide a plan note, as follows:

“All drive-through facilities serving commercial buildings shall be located to the rear of the buildings or located to the side of the buildings if the drive-through facility is part of a strip center and is located at least 150 feet away from the US 301 frontage.”
 - b. Reflect an alternate location of the inter-parcel connection to the north on the western side of the northernmost building pad site, along the eastern side of the environmental features.

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, and Hewlett voting in favor of the motion, and with Commissioners Geraldo and Doerner absent at its regular meeting held on Thursday, November 14, 2019, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 5th day of December 2019.

Elizabeth M. Hewlett
Chairman

By Jessica Jones
Planning Board Administrator

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